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UNILATERAL ACTIONS AND MILITARY INTERVENTIONS: THE FUTURE OF NON-PROLIFERATION

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PREFACE

NICOLA CUFARO PETRONI

The 10th Castiglioncello Conference was held in the aftermath of the US/UK armed intervention in Iraq – six months after, to be precise – so that a great deal of both interest and discussion was devoted to the consequences of these events. In particular the Conference deals with arms control and disarmament in a period of rapid changes in the strategic thought, in the threat perception and in the international jurisprudence. In some sense we were all obliged to see the traditional argument of our venues through the new prism of the theory of unilateral, preemptive reactions to the terrorist threats.

The Sections of this book follow the actual organization of the Conference in five Sessions. The first one was devoted to the new scenarios produced by the Iraq war in the international relations, and to an assessment of its consequences from the point of view of the International Law. To begin with, P. Cotta-Ramusino analyzed the consequences for nuclear disarmament – a central issue in all the previous Castiglioncello Conferences – of the new political phase. On the other hand the credibility of the United Nations and of the International Law itself have been particularly strained by the unilateral US/UK intervention in Iraq, and still more by the pre-war prolonged period of acrimonious debate in the Security Council. That notwithstanding there is still a widespread desire for an agreed framework of rules and conventions able to preserve the civilized world against the predominant violence. The new situation for the UN as an institution ha been analyzed in the intervention of B. de Gaay-Fortman; while a detailed analysis of the UNSC resolutions, and of the legal background for the war is the core of the contribution by U. Villani.

Two more sessions have been devoted to particularly critical regional situations influenced by the Iraq war. Needless to say, the american intervention and the regime change in Baghdad have been disruptive events in the political scenario of a region going from the Suez to Pakistan, passing through Israel. A region where a variety of problems is brewing since longtime: the Israeli-Palestinian conflict; the presence of Weapons of Mass Desctruction (WMD) and the dangers of their proliferation; the nature of the local regimes and their possible democratization; the ambitious experiments of nation-building triggered by the Afghanistan and Iraq wars; and several others here neglected for conciseness. A contribution by M. Maestro first of all analyzes the perspectives of the peace process in the Israeli-Palestinian conflict, and the weight of the external influences on its progress. Then two parallel papers by U. Bhaskar and A.H. Nayyar, outlining the the Indian and the Pakistanian standpoints, are devoted to the problems of arms control and strategic balance in the Indian sub-continent. On the other hand the contribution by M. Sariolghalam examinates the consequences for Iran of the unilateral, preemptive actions against Iraq. A topic which was rather hot in the months after the end of the Castiglioncello Conference when it became clear that the risks of nuclear proliferation in this area were higher than previously thought. The connection of these risks with the availability of the Pakistan nuclear know-how has also been exposed in the months after september 2004, and this Pakistanian connection is the strong link with the other major area of possible (rather semi-official) nuclear proliferation: the Korean Peninsula. About this old problem this volume presents a paper by R.A. Cossa which reviews the recent handling of the crisis and suggests some approaches that should be considered.

A group of four contributions deals then with the problem of investigating the new posture of the US vs. the rest of the world

as determined by the new security doctrines so popular in Washington. The substantial essay by S.E. Miller analyzes the fruits and costs of the Iraq war: it studies in much detail the present trans-Atlantic divergences in the perception of the world in which we live, and then emphasizes the need for a few small steps on the road to detoxify this contrast. The post-Iraq US-Europe relations, but from an European point of view, are also reviewed in the paper by G. Nardulli which emphasizes the historical parallelisms with the periods of imperialism and of balance of power. In the same vein N.A. Arbatova looks at the russian-american new relations which are still entwined with the old issues of nuclear balance and regional influence. Finally a different standpoint, stressing rather the economic and sociologic features, has been assumed in the contribution by H. Estrella which investigates the consequences of the new US policy in Latin America.

Finally the last session was devoted to the more technical issues that are also usual in the USPID meetings. The paper by B.G. Blair analyzes the role of intelligence in both preventing terrorist attacks, and assessing the threat of possible stocks of WMD's (as in the Iraq case). In particular it uses statistical arguments to explain why we are often surprisingly slow in changing our mind about our initial hypotheses. On the other hand the contribution by F. Calogero presents an up-to-dated appraisal of the risks of nuclear terrorism. Last but not least, the article by T. Findlay is an informed assessment about the job done by the UNMOVIC in Iraq in the months before the war. Given the high level of the polemics that went along whit its operations it is refreshing to know how well this important UN commission carried out its duty.

It must be borne in mind that this book has been produced a few months after the conference, and that this period has been full of new developments: the Saddam capture; the progressive

global deterioration of the internal Iraq situation; the sharp rise in the casualties of the coalition; the shifting Lybian position on the WMD production; the risks of nuclear proliferation in Iran; the discovery of a Pakistanian network for the distribution of nuclear materials and technologies; the railway station bombing in Madrid; the uprising of Falluja and Najaf; and lastly the scandal of the prison abuses, to quote just a few and without pretending to be complete. The papers in this volume are somewhat modified versions of the original contributions; however the assessments were solid enough to be deemed fully up-to-dated even at the moment of this publication.

ACKNOWLEDGEMENTS

The Italian Union of Scientists for Disarmament is grateful to the Municipality of Rosignano Marittimo that offered, over 20 years, an invaluable financial and logistic support to the Castiglioncello Conference. It is a pleasure to thank here the Mayor of Rosignano Gianfranco Simoncini, the Alderman in charge of cultural affairs Nicoletta Creatini, all the staff of the Culture Department of Rosignano and particularly Vincenzo Brogi, Valeria Tesi, Serena Ferrucci and Francesco Luschi. This year, for the first time, the Conference has also been both culturally and financially supported by the University of Bari: a particular thank goes to the Rector of the University Prof. Giovanni Girone, and to the Director of the Interdepartmental Centre for Peace Research of the Bari University Prof. Glauco Ambrosi. Finally we thank all the staff of the Editorial Service of the Bari University, and in particular Dr. Anna Lucia Leccese, for their invaluable help in the preparation of the present volume. Without all these contributions - and others that we can not mention only for brevity - the 10th Castiglioncello Conference and the preparation of its proceedings would not have been possible at all.

Session I

UN, international relations and Iraq War

presentations by
Paolo Cotta-Ramusino, Bas de Gaay Fortman
and Ugo Villani

NUCLEAR DISARMAMENT AND INTERNATIONAL RELATIONS TODAY

PAOLO COTTA-RAMUSINO

Throughout its 46 years of existence, the main goal of Pugwash has been the elimination of all nuclear weapons and, more generally, of all weapons of mass destruction (what we refer to as WMD) which have brought the risk of annihilation to mankind. Scientists (including those who worked on these instruments of destruction), policy makers, and military people, as well as those actively involved in supporting disarmament - people of different nationalities and political opinions - have been brought together over the years for the purpose of seeking ways of controlling and eliminating the most deadly weapons and promoting cooperation and peace. After the end of the Cold War, many of the problems related to nuclear weapons and WMD did change, but the weapons themselves and the relevant risks did not disappear.

In the last period, the issues related to nuclear weapons and more generally to WMDs have in fact been at the core of many political initiatives, military interventions and planning, and decisions of various nature on the international scene, but unfortunately most of these actions and decisions were made in directions that many of us regret. The overall situation, as far as disarmament and the elimination of WMDs are concerned, is far from reassuring just as the status of conflicts and hostilities, particularly in regions where nuclear weapons or other WMDs are present, is also far from reassuring.

Nuclear weapons, and the status of nuclear disarmament and proliferation.

Let us recall that the 2000 Nonproliferation Treaty (NPT) Review Conference concluded with the approval of 13 "immediate" steps for systematic and progressive efforts to implement Article 6 of the NPT that mandates Nuclear Weapon States «to pursue negotiations in good faith on effective measures relating to cessation of the nuclear arms race at an early date and to nuclear disarmament».

These steps included: the entry into force of the Comprehensive Test Ban Treaty (CTBT); the banning of the production of fissile material; the unequivocal undertaking by nuclear weapons states to accomplish the total elimination of nuclear arsenals; the preservation and strengthening of the Anti-Ballistic Missile (ABM) treaty; the reduction of non-strategic warheads, the reduction of the operational status of nuclear weapons, and increased transparency; the principle of irreversibility applied to nuclear disarmament; diminishing the role of nuclear weapons in security policies; and the achievement and maintenance of a nuclear-weapon-free world.

Most of these steps have been dismissed since 2000. These are difficult moments for the arms control regime:

1. It has been shown that treaties such as the ABM can be disposed of when no longer needed;
2. New treaties have a very weak idea of disarmament: the Moscow Treaty projects 1700-2200 strategic (only) warheads per party by 2012;
3. There is little limitation to nuclear testing, since we do not have any foreseeable date for entry into force of CTBT;
4. We do not have any instrument of verification for the BWC.

There is a newly proclaimed utility of nuclear weapons:

5. New (smaller) nuclear weapons (NW) are needed (the USA);

6. In its National Strategy to combat WMD, the «US will continue to make clear that it reserves the right to respond with overwhelming force - including resorting to all its options - to the use of WMD against the US, its forces abroad, and its friends and allies»;

7. The lack of progress in disarmament affects all nuclear power states: their arsenals remain unchanged. And these states continue to consider their nuclear arsenals as an essential instrument of their military (and not only military) policy.

The security concerns of non-nuclear states have increased:

8. There is no security guarantee for non-nuclear-weapon states and, in fact, there is even talk about possible preventive attacks against WMD assets before these weapons are used;

9. We witnessed the instrumental use of the need to fight WMD as a justification for military intervention aimed at regime changing;

10. We witnessed the weakening of international institutions, including those which should oversee the implementation of the NPT and the control of nuclear activities. The war on Iraq was based on the idea that international institutions could not be trusted.

There is the impression that those responsible for nuclear proliferation get away with it:

11. Nuclear proliferation did take place significantly, and the consequences for the states involved were manageable. India and Pakistan acquired good-sized nuclear arsenals, and pressures against them (sanctions) did not last long. Israel of course gets away with its undeclared nuclear status due to its so-called exceptional situation.

12. Even a comparison between the treatment reserved to the

DPRK and to Iraq, shows that being closer to nuclear capability does not necessarily imply being subject to a stronger pressure.

To quote a statement by George Tenet (February 2003):

> «We have entered a new world of proliferation. This is taking place side by side with a continued weakening of the international non proliferation consensus. The example of new nuclear states which, by brandishing their nuclear weapons, seem to be able to deter threats from more powerful states, will resonate deeply among other countries that want to enter the nuclear weapons club. Demand creates the market. The desire for nuclear weapons is on the upsurge. The domino theory of the 21st century may well be nuclear.
>
> Is this a world in which we are happy to live? Are we prepared to live in a world where nuclear weapons will be present indefinitely in significant numbers in many countries, and where the number of nuclear states is bound to increase?»

The risk of nuclear explosions and nuclear conflicts

The end of the Cold War certainly did significantly reduce the risk of nuclear conflicts. But this risk is far from being eliminated.

a) The nuclear weapons of the two former antagonist superpowers are still targeted at each other, and a significant part of them are still kept on high-alert status, so that today we still have the spectrum of nuclear war by mistake or miscalculation.

b) New nuclear states are in situations where the risk of conventional conflict and nuclear escalation is significant. The relations between India and Pakistan (both nuclear-armed) have several times brought both countries to the verge of conflict. There is high tension in North-East Asia, where a possible new nuclear actor is present. And the large Israeli nuclear arsenal is a continuous reminder that any conflict in the Middle East may very well become nuclear.

c) There is an abundance of fissile material available worldwide, and its disposal is progressing slowly and with limited resources. There is still a very serious concern that some fissile material may be acquired by nuclear-proliferating countries or seized illegally by sub-national groups. If one were to have available a sufficient amount of fissile material, then building a rudimentary nuclear weapon for terrorist use would be a very easy task.

What to do? Making nuclear weapons illegal, and eliminating them

The main difference, in terms of legal status, between nuclear weapons and other weapons of mass destruction, is that nuclear weapons are regulated but not forbidden by the NPT; namely, they are only selectively forbidden for most states, but not for all of them. On the other hand, chemical and biological weapons are forbidden for each and every party to the relevant treaty. In the NPT, there is a provision (Article 6) that commits Nuclear States to proceed in good faith towards disarmament, but it is fair to say that this provision is not enforced. Moreover, four States are not party to the NPT and these are the States that either de facto possess nuclear weapons or are considering obtaining them.

This state of affairs should be changed. The pressure to declare nuclear weapons illegal should be increased. This

pressure should be based both on moral and on rational arguments.

Morally: nuclear weapons are par excellence, indiscriminate weapons.

A large number of nuclear explosions can bring a country to annihilation, and can possibly destroy mankind or civilization as we know it.

Rationally: irrespective of how new (or old) doctrines envisage scenarios where nuclear weapons might be used in a limited way, any use of nuclear weapons would trigger a large reaction. Nuclear weapons are hard to control.

Any political or military goal considered before nuclear war, will be most likely unattainable after the use of nuclear weapons.

In order to eliminate nuclear weapons we need a wide and committed mobilization of many forces, nations and leaders.

Nuclear weapons and the threats associated with them have been with us for about 60 years. It is high time for the international community to declare them an illegal instrument of warfare, and to remove them from the arsenals of the States who still possess them and plan their use, against the interest of mankind.

"BELLA AMERICANA": SOME CONSEQUENCES FOR THE UNITED NATIONS

BAS DE GAAY FORTMAN

The view expressed by Richard Perle during the Security Council deliberations early 2003 on Iraq, that the United Nations is "dead", is not new. For rigid supporters of international peace enforcement – peace by international use of force wherever required – the organization had served its turn already in 1956 when it failed to put an end to the Soviet occupation of Hungary. Serious disappointments would follow: Tibet, Czechoslovakia, Poland, Afghanistan, East Timor, to mention just a few. The UN's first concern has always been *international security* in its prime meaning of avoiding of war, while all that refers to "positive peace" in the sense of peace with justice is seen as subservient to that strategic thrust. It was only after the end of the Cold War that some new optimism could arise as to a corrective role of the UN itself in cases of major aggression and grossly oppressive regimes. Then followed the disappointing nineteen nineties, that period of missed opportunities.

Strikingly, it is precisely an "idealistic" peace enforcement discourse that is now employed by the so-called realists who declare the UN to be dead again. It is true, of course, that Saddam Hussein constituted a major dilemma to the international community, as Tony Blair put it to the House of Commons. However, in such dilemma's between human rights, democracy and disarmament on the one hand, and international security on the other, it used to be the latter that tipped the balance. This was probably in line with the intentions of the 51 states that had signed the *Charter of the United Nations* on 24th October 1945: a Security Council with much more power than the "softie" Council of the League of Nations but also with a

veto right for the big five as a guarantee against the use of such powers in a way endangering world peace. A predominance of "negative peace", in other words, grounded in that primary emotion of 1945: «Never Again!» [1]

Yet, what happened in Iraq cannot be simply interpreted as a victory of American peace idealists as against the realism of a Security Council in line with the UN's founders. One should rather speak of a new type of realism, based on unilateral economic interests – oil supply to the North – but above all a unipolar view on power. In the Statement of Principles of 7th June 1997 on which the "Project for the New American Century" is based, [2] men like Dick Cheney, Donald Rumsfeld and Paul Wolfowitz had made this new American realism already explicit. An appeal is made «to accept responsibility for America's unique role in preserving and extending an international order friendly to our security, our prosperity, and our principles». In line with this declaration George W. Bush in the State of the Union message of January 2002 based his presidential doctrine on the following three principles: active global American leadership, regime change in case of "rogue" governments, and global promotion of neo-liberal democracy. During his whole administration the United States has acted in conformity with that line, showing time and again that the Americans are with the UN only when it suits them. Instances coming to mind include the Kyoto Protocol and the International Criminal Court. Passing the Security Council in a "pre-emptive war" fits into that picture. Not surprisingly, it dealt with a "rogue" issue in the Middle East. Above all, however, in its forceful opposition to the already heavily weakened Iraqi state, Bush c.s. enjoyed an excellent opportunity to demonstrate American supremacy as the foundation of a new international political order. How to assess the consequences of that "New American Century" thinking and acting in respect of the United Nations, and how to react?

In the search for new policies, e.g. in the European Union,

reference is sometimes made to a *Pax Americana*. With that term comparisons come to mind with the Pax Romana at the start of the first millennium and the Pax Britannica in the 19th century. Notably, these hegemonies served "negative peace", in the case of the British Empire particularly outside Europe. [3] The American obsession with "axes of evil" and regime change, however, primarily implies war: a series of *Bella Americana*. Indeed, since 9/11 the United States considers itself as being «in war». [4]

A first reaction meriting serious consideration is that of the British prime minister Tony Blair's: «If you can't beat them, join them!». While not his official political line – that moved from the dangers of weapons of mass destruction deployable within 45 minutes to justified war against regimes that cause their own subjects intolerable suffering – it would at least be a strategy one could understand. In the new century American military supremacy is a fact of life and the only way to contain its consequences with regard to the international political order would be by staying within an Atlantic alliance. Unfortunately, however, it is not the coalition but the mission that decides policies («the mission must determine the coalition; the coalition must not determine the mission»). [5] Illustratively, when Blair seemed to face trouble in his parliament, Defense Minister Donald Rumsfeld rushed to point to the possibility of «going it alone». In Washington today even NATO is seen as an impediment to the necessary flexibility. As for the European Union, "disaggregation" appears to be the core of American foreign policy, as a State department official recently declared. [6]

The price one pays for the "join them" formula is its endorsement of the position of the current American administration in the struggle for international legitimacy. We are touching upon a complicated notion here, and one that in international debate is often overlooked. Even when power is "a fact of life", it is still confronted with the need for *reception* by

those affected by its execution. The ruled, in other words, have to accept the rule of the rulers. The new American leadership recognizes this; hence the "imbedding" of journalists in its war machine. Legitimacy is the inescapable condition for power without repression of one's own people; and in our modern world that requires constant efforts at persuasion. Apparently, the legitimation effort of the Bush II administration appears to be focused on a combination of *ideological* persuasion – the good guys versus the bad guys – and an emphasis on outcome: «all's well that ends well». However, legitimacy is a matter of three things: the right principles and institutions, the right processes, and the right outcomes. [7] As to the principles, the new American leadership no longer appears to recognize the United Nations' Charter as the International Constitution. Here, a political philosophical battle has to be fought uncompromisingly, based on a combination of realism and moral conviction. As to the former, *world peace through world law* [8] is, indeed, not yet a fully available option and most probably never will be. Formation and execution of power for the sake of security without a solid legal base remains inevitable, especially in a global context. But whenever that takes place, its objectives and focus have to be questioned continuously while a genuine effort has to be made to incorporate not only political but military and economic power too, in an international legal setting. Insofar as global power formation cannot be based on principles of representative democracy, power sharing constitutes the next best. Essential in this respect is the incorporation of not primarily "the willing" but precisely the opposing forces. Military power may, indeed, provide security, but it can also attract danger and lead to new threats, [9] as illustrated today in post-war Iraq. International law, as positivized in the Charter of the United Nations and further developed through decades of UN practice, is based on the primary principle of non-intervention. Notwithstanding the international character of human rights obligations as

obligationes erga omnes, [10] in our international legal order humanitarian intervention cannot be based on unilateralist action. [11] It is, notably, the principles of the rule of law, so vigorously defended in the United States internally, that have to be extended to global forms of governance: limited government, government by law, respect for subjective rights, both of individuals and of groups.

Fortunately, this political philosophical confrontation with the "New American Century" position, based as that is on the *wrong* principles, is already becoming part of the daily debate within the United States itself. Europe, that birthplace of international law, has to join in there, refuting the attempts at "disaggregation". International civil society will doubtless take part, too: watch the World Social Forum IV in Bombay, January 2004. For Pugwash International an inspiring role seems an obvious consequence of our strategic thrust in international affairs, with the Annual Conference as a prime opportunity. No less important is the international corporate world. An increasing focus on "corporate responsibility" is likely to result in a global financial economic interest in these matters, too, as manifested during the World Economic Forum in Davos, January 2004. Genuine universality exists in market related rights and values rather than in the fundamental freedoms and entitlements following from the Universal Declaration of Human Rights whose quinquennial celebration is loudly announced every five years. This *People* deficit in the new triple value approach – People, Planet, Profit – in global business may well worry the participants at the World Economic Forum as much as it is of concern to the non-governmental community at the World Social Forum. (Rather urgent, by the way, is the establishment of structural connections between these two principal global fora).

Arguably, not even Americans themselves would do wise to base their opposition to the Bush Administration's position with regard to the international legal order on the need for "regime

change". The United States enjoys one political regime since 1776 (with a period of regime insecurity during the Civil War), and despite its defaults and deficiencies the general feeling in that country is that it has served them well. [12] The term *regime change* implies a serious deviation from the gist of the United Nations Charter and hence is to be resisted rather than being uncritically assumed. Although, clearly, *change of government* is a different matter, it remains questionable whether non-Americans would do wise to opt for an American party political strategy.

In respect of global legitimacy – indeed the crucial issue – a discussion of the right principles is a great deal easier than an examination of the *right institutions*. There is a lot of well-founded criticism on the UN and here it is worth listening to the current American administration as well. (Evidently, a focus on legitimacy implies not only that in view of their military supremacy the United States is not necessarily right but also that America is not necessarily wrong) Inefficient and ineffective bureaucracies, irrelevant discussions, and endless procedures undermine the organization. Notably, the veto system in its current arrangements appears to have outlived its purpose. The point is that the *right processes*, the next major element in establishing legitimacy in the realm of global power, are necessarily connected with the United Nations, and it happens to be the UN itself that in its decision-making processes suffers from a lack of democratic legitimation. This applies to the United Nations as such but also to connected agencies such as the World Trade Organization. An impression is created that whatever has been decided in the upper levels, corrections upstream are never possible. Operational structures will have to be found for decent and credible ways of association with civil society at both the global and the local level. [13] It is true, of course, that in their exclamation «Thank God for the death of the United Nations» Richard Perle and the likes have to be convincingly confronted. But that battle has to be fought with

more than words alone; it is, indeed, high time for a revitalization of the United Nations in line with its old and new tasks. Hence, Kofi Annan's immediate reaction to the war that bypassed the international community – you stumble, you fall, you rise, and then you walk again – misses the seriousness of the current crisis in the international political order. [14] The position of the Bush administration does have to be confronted albeit that the focus should not be "regime change" but global legitimacy. The latter does require some basic changes in the international system itself.

A revitalization of the UN is to be founded in the three grand projects with which the organization started after World War II: international security, human rights, and development. The principal challenge today is to integrate these ventures, from the three separated institutional settings of the Security Council with its international political focus, ECOSOC and the human rights institutions with their juridical focus, and the United Nations Development Program, the specialized agencies and the Bretton Woods institutions with their economic focus, to a more integrated approach at all these distinct levels. When the Roosevelt academy in Middelburg (NL) gives out its "four freedoms awards" it nominates not only four prize winners for each of these – the freedom of speech, the freedom of worship, the freedom from fear and the freedom from want – but also a fifth one: for the four together. [15] The Security Council, for instance, rather than just dealing with human rights incidentally, will have to integrate these concerns in the fullness of its mission. In the Commission on Human Rights (CHR) and other human rights institutions international security considerations will have to be made explicit rather than influencing the decisions effectively from behind the scenes. (Notwithstanding the use of juridical terminology following the rather absolute language of international human rights law, the CHR, to all intends and purposes, is an international political body) In line with the new orientation of the United Nations Development

Program (UNDP), the International Financial Institutions (IFIs), too, will have to accept their role as principal actors with regard to international human rights obligations.

Moreover, in each of the major fields of international governance – international security, human rights and economic development – a re-engineering seems well in place. Primarily, this is a matter of outcome. Indeed, in the three distinct areas of that international mission our world today is confronted with huge deficits. The international security deficit expresses itself in endless manifestations of intra-state collective violence. Grave instances of complete failure of the international community come to mind here (Rwanda, Srebenica). Now that the *casus belli* with regard to Iraq has shifted from weapons of mass destruction to gross and systematic human rights violations *ex post facto*, it is high time to develop an international strategy on humanitarian action and intervention, and to restructure the Security Council accordingly.

The realization of human rights suffers from a huge *deficit* too, that is all too often submerged in the general euphoria of human rights declarations, conferences, committee meetings and workshops. Despite the International Criminal Court (confronted by the United States with its "Hague Invasion Act"), an almost worldwide struggle has to be fought against impunity of state-related perpetrators of violations of civil and political rights; there is, moreover, an apparent lack of international protection offered to minorities; there is a continued barrier of the public-private divide and its paralyzing effects on the struggle against domestic violence; there is daily non-implementation of economic, social and cultural rights in a world in which so many people's basic needs remain denied. In a persuasive article entitled *World governance: beyond utopia* Stanley Hoffmann submits a strong plaidoyer for a world court on human rights. [16] To achieve this may require a rather long time; in the mean time, however, the habitual ineffective rituals and mantras of the Geneva and New York institutions definitely call for substantial

reforms.

There is an enormous development deficit, too, manifesting itself in gigantic inequalities: between countries and between people. The major responsibility here lies with the North. It is only marginally that this concerns development assistance. A recent empirical study by Ben Arimah on the effects of ODA in Africa shows that one per cent more ODA correlates with 0.074 per cent poverty reduction. This means, of course, that there is no significant relationship between donor activity (aid) and poverty reduction. There is a strong correlation, however, between health and education expenditure and poverty alleviation. The question remains how far the donor countries have developed an institutional ability to combat poverty in their development assistance efforts. The primary priority, however, is not aid but rectifying injustices in the international economic order. Indeed, the rights dimension of poverty has international consequences that have been neglected far too long. It is high time now that current proposals for reform are taken seriously. Yilmuz Akyuz has summed these up as follows: [17]

- A proposal to establish an international credit insurance corporation designed to reduce the likelihood of excessive credit expansion.
- A proposal to establish a board of overseers of major international institutions and markets with wide-ranging powers for setting standards, and for the oversight and regulation of commercial banking, securities business and insurance.
- A proposal for the creation of a global mega-agency for financial regulation and supervision – a world financial authority – with responsibility for setting regulatory standards for all financial enterprises, off-shore as well as on-shore entities.
- A proposal to establish a genuine international lender of last resort, with discretion to create its own liquidity.
- A proposal to create an international bankruptcy court in order to apply an international version of chapter 11 of the

United States Bankruptcy Code for orderly debt workouts.
- A proposal to manage the exchange rates of G3 currencies through arrangements such as target zones.
- The Tobin Tax proposal to curb short term-volatility of capital movements and exchange rates while at the same time collecting significant funds for development and the attack on poverty.

In addition many constructive proposals have been formulated to make the necessary changes in the World Trade Organization (WTO) arrangements. However, in spite of all progress made since the UN's foundation these proposals are still far from being effectively implemented.

Confronting the deficits mentioned here will require a different style in international politics at all levels, tuned to consultation and involvement of people rather than geopolitical maneuvering, and dealing primarily with the real threats such as lack of water rather than outward manifestations of power like possession of weapons of mass destruction. If the current crisis were to contribute to such an undertaking, it might even be seen as positive.

Within an international setting tuned to negative as well as positive peace a special position for the United States with its impressive power in terms of military, financial and human resources will have to be accepted. Essential in that respect is a legal framework based on a re-engineering of international principles regarding sovereignty and the prohibition of violence. Important in this connection is the old principle of proportionality, too: even justified interests are not to be pursued with means causing disproportionate damage to outsiders to the actual conflict.

Obviously, then, in the current crisis in the international political order much more is at stake today than just international security in a narrow sense. Indeed, it is not merely a revision of the Security Council and a discussion on the

prohibition of violence between states that are part of the agenda but also the role of the United Nations in conflict prevention. Working on that agenda it is not only the realism of the United Nations' founders that may offer profound inspiration but their ideals as well.

References

1. When the Charter was adopted human rights were considered to be "a secondary issue" (Stanley Hofman, World governance: beyond utopia, in *Daedalus*, Winter 2003, p. 28) The subservience of human rights to international security considerations has led to shameful manifestations such as Idi Amin's speech to the General Assembly in 1975 (in his incredible capacity as President of the Organisation for African Unity) and the continuing occupation of the Cambodja (Kampuchea) seat by the Pol Pot regime even after that frightful tyranny had been removed from power.

2. www.newamericancentury.org.

3. Cf. W.F. de Gaay Fortman, *Recht en vrede*, in B. de Gaay Fortman (ed.), *Christendom en oorlog*, Kampen: Kok, 1966, pp. 146-147.

4. «As long as there is one terrorist scheming against us, the United States considers itself as being in war» (George W. Bush).

5. Quoted by Peter van Ham, *Pax Americana als conservatieve revolutie: gevolgtrekkingen voor Europa*, in "Internationale Spectator", Vol. 57, N. 7/8, July/August 2003.

6. Quoted by Timothy Garton Ash, Are You With Us? Are We Against You?, in "The New York Times", 30th May 2003.

7. See Berma Klein Goldewijk and Bas de Gaay Fortman, *Where Needs Meet Rights. Economic, Social and Cultural Rights in a New Perspective*, Geneva: World Council of Churches Publications, 1999, pp. 118-119.

8. See the magnum opus of Greenville Clark and Louis B. Sohn, *World Peace through World Law* Cambridge (Mass.): Harvard University Press, 1958.

9. W.F. de Gaay Fortman, *op. cit*., p. 151.

10. See International Court of Justice, *Case concerning the Barcelona Traction, Light and Power, Limited*, judgment of 24 July 1964.

11. In international legal practice, in case of *force majeure* ("quod est illicitas lege necesitas facit licitum" meaning that in reality there is no other way) the international community may legitimize the action through acquicence ("qui tacit consentire videit"). Actually this happened in respect of the Indian invasion of East Pakistan although India itself never appealed to the legitimacy of a "humanitarian" intervention.

12. Normal, by the way, is a change of government with regime continuity, although the opposite, regime change without a change of government, is also possible. The latter occurred in The Netherlands in 1848, for example, when Prime Minister Thorbecke forced King Willem II to accept the primacy of parliament in constituting the cabinet, transforming the regime into a constitutional monarchy.

13. See Bas de Gaay Fortman, Willem van Genugten and Jan Pronk, *Wederopbouw VN kan nu al beginnen*, in "De Volkskrant", 4th April, 2003.

14. See Jan Pronk, *VS en VN*, in "Roodkoper", Vol. 8, N. 2, Summer 2003, p. 16.

15. In 2002 that was awarded to Nelson Mandela.

16. Stanley Hoffmann, World governance: beyond utopia, in *Daedalus*, Winter 2003, pp. 27-35.

17. Yilmaz Akyuz, *The Debate on the International Financial Architecture: Reforming the Reformers, United Nations Economic Commission for Europe*, UN/ECE Regional Conference, 65-7 December 2000, as quoted by Rogate Mshana, *Economic Globalisation: A Critical View and an Alternative Vision*, Geneva: World Council of Churches Publications, 2002.

THE WAR AGAINST IRAQ, THE UNITED NATIONS AND INTERNATIONAL LAW

UGO VILLANI

«There was [in Iraq] an overwhelming demand for the early restoration of sovereignty and the message was conveyed that democracy could not be imposed from outside […]: it had to come from within». (Kofi Annan, 17 July 2003)

1. The prohibition of the use of force and the powers of the Security Council

The military intervention of the United States and of the United Kingdom against Iraq, which began on 20 March 2003 and ended, at least "officially", on 1st May, should be evaluated, in terms of international law, in the light of the Charter of the United Nations, passed on 26 June 1945 and which came into force on 24 October of the same year.

Article 2, paragraph 4, is of particular importance in that it states that all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any other manner inconsistent with the purposes of the United Nations.

This is a very wide-ranging prohibition which includes not only the use but also the mere threat of force in international relations. It should be underlined that, although this prohibition is laid down in an agreement – as is the UN Charter – suited to creating obligations only for the Member States belonging to the Organization, it has ended up by being generally binding for the entire international community. In fact, on the one hand the UN itself has now almost reached universality, completed by the recent entry of Switzerland on 10 September 2002. On the other,

as has been authoritatively stated by the International Court of Justice in a judgment of 27 June 1986 (Nicaragua v. the United States of America), the prohibition of the use of force is now laid down by a principle of international law which is binding for all States, and other subjects belonging to the international community, irrespective of whether or not they are members of the UN (para. 188 ff.).

The only exception to this prohibition expressly laid down by the Charter (article 51) is the right of self-defence, on the basis of which a State undergoing an armed attack may resort to the use of force in order to ward off the attack until the Security Council intervenes. The right to self-defence is recognized not only for the State that is directly attacked but also to third party States which may come to help the former using military force against the aggressor (so-called collective self-defence, on which military alliances such as NATO are based).

While individual States may not resort to the use of force, the Security Council – the UN organ which acts in the name of the Member States and has primary responsibility for the maintenance of international peace (article 24) – has the power to intervene also with the use of force if necessary in the case of threats to the peace, breaches of the peace or acts of aggression. Once it has ascertained the existence of one of these situations, it is the Security Council itself which may decide which measures of a commercial, financial, diplomatic or some other nature (not involving the use of force) are to be employed against the State responsible for the threat or breach, in order to maintain and restore international peace and security (article 41). Should such measures prove to be inadequate, or if they are deemed as such by the Security Council, the latter may even reach the decision to take military action against the State in question (article 42). However, since the Security Council is not endowed with the necessary military resources, in practice it resorts to peace-keeping operations which aim at maintaining the peace (guaranteeing respect for a truce or peace agreement,

or the security and order within a State, or its reconstruction after a civil war), by sending the so-called "blue helmets" who are usually authorized to use force only in order to defend themselves from possible attacks. Furthermore, in situations where it is necessary to act coercively against a State (for example, in order to put an end to an attack, or to free a country that has been militarily occupied by another, or to guarantee the security of certain areas, or the protection of populations whose survival is threatened), the Security Council adopts resolutions which authorize individual States or groups of States, or alliances or regional organizations to use force in order to restore international peace.

2. Resolution 678 of 29 November 1990 against Iraq

Security Council resolution 678 of 29 November 1990 comes within this latter hypothesis. It was the basis for the military intervention against Iraq (Desert Storm), which began on the night between 15 and 16 January 1991 undertaken by a wide coalition of States, led by the US, with the aim of freeing Kuwait from the Iraqi invasion, and which was to continue with increased violence until Iraq surrendered. Resolution 678 had been adopted after eleven previous resolutions, none of which had induced Iraq to withdraw from Kuwait which it had occupied after a massive invasion on 2 August 1990 and "annexed" on 8 August as the 19th province of Iraq.

Resolution 678 did not explicitly provide for the use of force but stated that if Iraq had not fully respected the previous Security Council resolutions (firstly by withdrawing from Kuwait) by 15 January 1991, it authorized Member States co-operating with Kuwait to use all necessary means in order to apply the resolutions and to restore international peace and security in the area. However, by the expression «all necessary means», it was clear that the Security Council was implicitly

referring to the use of force, as is unequivocally proved if one examines the discussion which took place within the Security Council when the resolution was adopted.

The legitimacy of resolution 678 was contested by a number of scholars; in fact, some authors upheld that the type of authorization in question gave rise to a sort of delegation of the use of force to a group of States outside the direction and control of military operations by the Security Council. The system of collective security set up by the UN Charter is characterized, on the contrary, by the fact that military functions are concentrated within the Security Council, that the latter has political responsibility and guarantees the objective nature of the military operation and its congruency with respect to the aim of maintaining international peace and security.

But it could be argued that this resolution, and more in general the authorization by the Security Council of the use of military force by individual States or groups of States, is not incompatible with the system set up by the Charter. A "decentralized" use of military force, either by delegation or authorization by the Security Council is actually provided for by the Charter itself with reference to regional arrangements or organizations (article 53). Moreover it is worth mentioning articles 39 and 42: the former declares that the 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 42 establishes that the Security Council may take such action by air, sea, or land forces as may be necessary to maintain or restore international peace and security. In the light of these two provisions it would appear that the Security Council may recommend to States measures implying the use of military force, with the aim of maintaining or restoring international peace and security. In fact, the authorization of the use of force would seem to be substantially

similar to a recommendation to use force. In the case of resolution 678, moreover, there would appear to be little doubt that the prerequisites for undertaking military action existed, given that Iraq had blatantly attacked Kuwait by militarily occupying it and by attempting to annex the territory, and given that the numerous measures already decided by the Security Council against Iraq, such as a highly restrictive embargo, had not been enough to induce it to desist from its actions.

Nevertheless, for the authorization of the use of force to be lawful, the Security Council must constantly have control of the operation, thereby fulfilling its responsibility for the maintenance of international peace. In other words, it would appear that the Security Council, insofar as it lacks its own military means, may "delegate" to other States the actual performance of a military operation, but it cannot shirk its responsibility for such an operation and thus its controlling function over it.

3. Resolution 687 of 3 April 1991 on the conditions for the cessation of hostilities

As is well-known, operation Desert Storm brought about the liberation of Kuwait. With resolution 687 the Security Council laid down a series of conditions which had to be accepted by Iraq before the definitive cessation of hostilities. This acceptance was notified to the Council on 10 April, therefore – as the President of the Security Council duly notified Iraq's permanent representative at the UN – from that moment a formal ceasefire was in force and, it must be added, the authorization of the use of force contained in resolution 678 lost its effect.

Among the conditions laid down by the above-mentioned resolution, those of particular importance in terms of framing the subsequent crisis from the juridical point of view concerned

the weapons of mass destruction in Iraq's possession. Paragraphs 7 to 14 of the resolution called for the destruction or removal of its chemical, biological and nuclear weapons, as well as a ban on procuring such arms and materials, components or any element that might be useful for research purposes, the construction and production of such arms, and also the destruction, removal and prohibition of possessing ballistic missiles with a range greater than 150 km and their relative components and installation. In order to verify Iraq's compliance with the obligations laid down, the resolution envisaged the creation of a Special Commission of experts (UNSCOM), established by the Security Council, and the co-operation of the International Atomic Energy Agency (IAEA), whose task was to check that the arms in questions had been destroyed or removed.

To some extent there is a link between the provisions on WMDs and the maintenance of economic sanctions against Iraq, already decided by the Security Council in resolution 661 of 6 August 1990, following the invasion of Kuwait. In fact, it is clear that the embargo against Iraq was aimed, at the time it was drawn up, at inducing the Iraqi government to withdraw its troops from Kuwait, in accordance with the request that the Security Council had immediately formulated so decisively in resolution 660 on 2 August 1990. Once Kuwait had been liberated, the continuation of the embargo, which was only attenuated for humanitarian reasons and within the framework of the "oil for food" system, could only be justified on other grounds such as, in particular, the genuine elimination of WMDs in Iraq's possession. This can be gleaned from the debates repeatedly carried on within the Security Council and also, explicitly, from certain resolutions passed by the Council itself. For example, it is worth mentioning resolution 1154 of 2 March 1998 in which the Council confirms its intention to review the sanctions against Iraq and underlines that it had not so far reviewed them because of the failure by the Iraqi government to

fulfil its obligations of disarmament and of co-operation with UNSCOM and the IAEA. But the attitude of the US government and an explicit declaration by the then Secretary of State Albright reveal ever more clearly that the political aim of the embargo was essentially that of bringing about the fall of Saddam Hussein's regime.

4. The issues relating to the system of inspections and resolution 1441 of 8 November 2002

The work of UNSCOM and the IAEA did in fact produce some satisfactory results in terms of Iraq's disarmament. Nevertheless, the Iraqi government showed little willingness to co-operate and, on certain occasions, downright hostility, especially towards UNSCOM. For example, during 1996 and 1997, on several occasions Iraq forbade access to UNSCOM inspectors to specific sites, in particular the so-called presidential sites, and it also prevented US members of the Commission from undertaking certain visits and inspections. This led to the adoption of some resolutions by the Security Council condemning such actions, and with resolution 1137 of 12 November 1997 the Council established new sanctions laying down that States must forbid the entry and transit in their territory of those Iraqi officials and members of the armed forces responsible for such breaches. It should also be borne in mind that suspicions of espionage in UNSCOM's activities (under the presidency of Richard Butler) had emerged, following the declarations of one of the members of the Commission, the American Scott Ritter.

In 1998 a critical episode was overcome thanks to the signing of a memorandum of understanding between UN Secretary-General Kofi Annan and the Iraqi Prime Minister Tariq Aziz, which was passed by the Security Council in the above-mentioned resolution 1154 of 2 March which established,

inter alia, special inspection procedures for eight presidential sites and expressed its commitment to respect Iraq's worries concerning its own national security, sovereignty and dignity. Despite the threat, contained in the resolution itself, of the «severest consequences for Iraq» if it failed to comply, after only a few months Iraq decided to suspend all co-operation with UNSCOM which, from December of that year, ceased carrying out any kind of activity on Iraqi territory. The reopening of the crisis, which a new resolution by the Security Council (1205 of 5 November 1998) failed to avert, led to the Anglo-American military operation known as Desert Fox.

Resolution 1284 of 17 December 1999 replaced UNSCOM with a new commission, known as the United Nations Monitoring Verification and Inspection Commission (UNMOVIC), chaired by Hans Blix. But the Commission was unable to enter Iraqi territory until an agreement was reached following talks in Vienna between Blix, the Director-General of the IAEA, Mohamed El Baradei, and General Amir Al-Saadi on behalf of the Iraqi government, in a formal letter of 8 October 2002, allowing for the renewal of inspections in Iraq. However, the inspectors' departure for Iraq was substantially blocked by the United States until the adoption of a new Security Council resolution – 1441 of 8 November 2002 – which was unanimously approved and on the basis of which UNMOVIC's work began and that of the IAEA started up again on Iraqi territory.

This resolution expressly refers to previous resolutions 678 (which had authorized the coalition of States defending Kuwait to use all necessary means in order to free the country) and 687, also as a reminder that it based the cessation of hostilities on the acceptance of the obligations contained in the resolution by Iraq. In the preamble to the resolution, moreover, the Security Council deplores Iraq's failure to fulfil its obligations in the field of terrorism, the end of repression of the civil population, the repatriation of citizens from Kuwait or other countries held

in Iraq, and the return of goods to Kuwait. However, the most serious criticism from the Security Council concerned Iraq's failure to fulfil its obligations over WMDs, referred to as "material" and such as to pose a threat to international peace and security. This latter statement is sufficient to base the resolution on Chapter VII of the Charter (which applies in the case of a threat or breach of the peace or of an act of aggression), which enables the Security Council to adopt non-military measures or also implying the use of force against the responsible State.

In the same resolution the Security Council decided to afford Iraq a final opportunity to comply with its disarmament obligations and, to this end, it set up a reinforced system of inspections which allowed UNMOVIC and the IAEA free and unconditional access to any site (including the presidential sites) or person; it also laid down that Iraq was to hand in within thirty days a complete and accurate report on its own weapons of mass destruction, stating that any false statements or omissions or lack of co-operation by Iraq «shall constitute a further material breach of its obligations», and that Iraq «will face serious consequences as a result of its continued violations of its obligations».

As is well-known, the inspections continued until the eve of the Anglo-American attack, without this leading to the discovery of any WMDs. Neither were they found following the occupation of Iraq, despite the proclamations of certain proof made, also in the Security Council, by the US and British governments.

5. The motivations in favour of an intervention against Iraq: the failure to fulfil the conditions for peace

There have been various attempts to justify military action, though often with a shift of focus, sometimes underlining Iraq's possession of WMDs, other times the connivance of the Iraqi

regime with international terrorism, or the need to defend the United States – or the entire international community – from the Iraqi threat, the need to uphold the authority of the UN, the protection of human rights in Iraq, the dictatorial nature of its regime etc.

Obviously we shall separate issues of pure propaganda (as well as the lies over the question of WMDs) and concentrate solely on the issues of a juridical nature raised in support of the military option.

The first motivation is based on Iraq's failure to respect the peace conditions imposed by resolution 687 of 3 April 1991, by refusing to allow inspectors on Iraqi territory and subsequently by not co-operating adequately. This non-compliance on Iraq's part in fulfilling the conditions for peace was seen as giving rise to a sort of resuscitation of the authorization to use force contained in resolution 678 of 29 November 1990.

The motivation would appear to be groundless. Resolution 687, as had been recalled, provided for a formal cease-fire («un cessez-le-feu en bonne et due forme») following Iraq's acceptance, so that (once acceptance had been made) the general prohibition of the use of force in international relations by States, including those of the coalition set up at the time in Kuwait's defence, was fully applicable once again. Iraq's failures to comply with the resolution, if considered as a threat to international peace, could determine a reaction – even one entailing the use of force – but only after a decision had been taken by the Security Council, being the only body with the competence to ascertain the threat to (or breach of) international peace and the ensuing measures in order to protect the peace. Instead, although Iraq was on several occasions threatened with more severe measures (though not necessarily of a military nature), the Security Council implicitly excluded any authorization for the unilateral use of force, reiterating on several occasions its pledge to respect the sovereignty and territorial integrity of Iraq in all its resolutions, including the

above-mentioned resolutions 1154 of 2 March 1998, which approved the memorandum of agreement between the Secretary-General of the United Nations and Iraq, and also 1284 of 17 December 1998 setting up UNMOVIC.

6. The interpretation of resolution 1441 of 8 November 2002

Anglo-American action was subsequently justified on the basis of resolution 1441 of 8 November 2002. Considering that it declares that Iraq had committed a material breach of its obligations on disarmament deriving from resolution 687 of 1991 and that the Security Council intended to offer Iraq a final chance to fulfil its obligations, in the case of failure to comply fully with that resolution, States could act against Iraq in order to ensure that it had disarmed. In this regard justification ensued also from the reference in the preamble to resolution 678 of 1990 authorizing the use of all necessary means, and to the cessation of hostilities subordinate to the conditions laid down in resolution 687 of 1991, including, above all, biological, chemical and nuclear disarmament. Indeed, in its voting declaration by its representative, John Negroponte, the US government affirmed that if, following the verification by UNMOVIC or by the IAEA of a violation by Iraq, the Security Council were not to act decisively, nothing in the resolution could prevent a member State from acting in order to defend itself from the threat posed by Iraq or to enforce the relevant resolutions and safeguard world peace.

In our opinion, despite the severe and ultimatum-sounding tone of resolution 1441, it cannot be interpreted as authorizing, in the case of a breach verified by the UNMOVIC or IAEA inspectors, military action against Iraq. As regards resolutions 678 and 687, it cannot be upheld that the authorization to use force is restored from the simple reference to them. As has already been observed, once hostilities had definitively ceased

there was a complete return to the prohibition of the use of force by States. The reference to those resolutions only expressed a sort of warning to Iraq that it had to fulfil its obligations, and threatening, in the case of non-compliance, the possibility of a new authorization, to be decided, anyway, by the Security Council itself. In fact the resolution did not specify what the "serious consequences" would be in the case of non-compliance, but it left to the Security Council the competence to decide on the problem of Iraq's disarmament. This implies, first of all, that the Security Council was exclusively responsible for ascertaining any possible non-compliance on Iraq's part, as well as the necessity of further inspections and checks by UNMOVIC and the IAEA. Moreover, the Security Council had exclusive competence over the definition of the measures to be adopted in the case of a violation by Iraq, measures not necessarily involving armed force but including, for example, diplomatic or financial sanctions against Saddam Hussein's regime, not against the Iraqi population who had already been heavily penalized by over ten years of embargo.

The interpretations given by the UN representatives of France, Russia and China in their voting declarations are clear in the sense that the resolution in question excludes any possibility of automatically resorting to the use of force. These States underlined that resolution 1441 adopted a two-phase approach entailing that, if UNMOVIC or the IAEA declared before the Security Council that there had been the non-compliance of Iraq, it was the Security Council itself that would have to evaluate the gravity of the situation and decide on the consequences.

The impossibility of deducing that the use of force had been authorized by the resolution in question is confirmed by the repeated commitment of all member States to respect the sovereignty and territorial integrity of Iraq, a commitment which is self-evidently incompatible with waging war against Iraq. This aspect was underlined in the Security Council by the Syrian delegate who declared that his positive vote was aimed at

maintaining the unity of the Security Council, but he added that he had received assurances, following high-level consultations, that the resolution could not be evaluated as authorizing the recourse to force and that Iraq's territorial integrity would be respected.

These considerations are confirmed by the attitudes of the United States and the United Kingdom preceding military action. These States, with the support of Spain, tried, unsuccessfully, up to the eve of the attack on Iraq, to obtain from the Security Council a resolution which, substantially, authorized military intervention. This attempt to obtain such an authorization shows that the US and British governments were well aware that the previous Security Council resolutions were in no way suited in terms of authorizing military action against Iraq. It should also be added that the reports by UNMOVIC and the IAEA had not revealed any material breach by Iraq; indeed, they had shown that further inspections were still required.

Military intervention against Iraq appears to be contrary to the previous resolutions by the Security Council not only in terms of the means used – armed force, not authorized by the Council – but also as regards the aims of such intervention.

In fact, it should be stressed that the Security Council has constantly called for the disarmament of Iraq (in relation to weapons of mass destruction), not the overthrow of Saddam Hussein or military occupation of Iraqi territory (and of its oil wells!). In order to reach the aim of disarming Iraq measures would have been theoretically admissible (if authorized by the Security Council) involving the use of force, but strictly limited to ensuring that inspections had been carried out exhaustively and also the destruction of weapons and production plants (had any been found!). On the contrary, the Anglo-American intervention must be qualified as a genuine war, both in terms of the massive (and often indiscriminate) use of weapons and also because of the evident animus bellandi, i.e. the intention to destroy the enemy's defensive capacity, which led to the

debellatio of Iraq and the violent overthrow of its government and the imposition of military occupation. It should also be added that the war was punctuated by a number of gravely unlawful actions such as the killing of civilians, including journalists, and the humiliating transformation of enemies from human beings, possibly with the right to be treated as prisoners of war, into playing cards!

Within this framework the (yet to be found) WMDs no longer seem to have been the aim of military action against Iraq but, if anything, the pretext for a war which, through the removal of Saddam Hussein's regime and the military occupation of Iraqi territory and of its oil resources, had quite different objectives of a political, economic and military nature.

7. The significance of resolution 1483 of 22 May 2003

We must also ask whether the Anglo-American action received subsequent approval by the Security Council, approval which could be seen as a kind of "pardon" for the initial unlawfulness of their military intervention. To this end mention should be made of resolution 1483 of 22 May 2003 which, among other things, removed the embargo against Iraq and recognized and laid down the specific authorities, responsibilities and obligations under international law of the United States and of the United Kingdom as occupying powers and which requested the Secretary-General to appoint a Special Representative for Iraq, with fairly modest duties, in particular of a humanitarian nature.

It is not possible here to analyse this long and complex resolution (or the possible problems of unlawfulness which might be specifically posed). However, from a political point of view it would be hard to deny that the resolution marks a success for the US and the UK (while Syria, as a sign of protest, left the Security Council meeting). In fact, the resolution seems

to have bowed before the fait accompli; it calls upon the "Authority" (i.e. the unified command of the occupying States) to promote the welfare of the Iraqi people through the effective administration of the territory, including in particular working towards the restoration of conditions of security and stability and the creation of conditions in which the Iraqi people can freely determine their own political future; it substantially leaves to the occupying forces, via the Development Fund for Iraq, the management of Iraq's oil resources, and it reaffirms that Iraq must meet its disarmament obligations and encourages the United Kingdom and the United States to keep the Council informed of their activities in this regard; it appeals to Member States to deny safe haven to those members of the previous Iraqi regime who are alleged to be responsible for crimes and atrocities and to support actions to bring them to justice.

In any case the sovereignty and territorial integrity of Iraq are reaffirmed, as is the right of the Iraqi people freely to determine their own political future and control their own resources; moreover, the resolution supports the formation, by the people of Iraq with the help of the Authority and working with the Special Representative of the Secretary-General of an Iraqi interim administration as a transitional administration run by Iraqis, until an internationally recognized, representative government is established by the people of Iraq and assumes the responsibilities of the Authority.

The aim of re-establishing Iraqi sovereignty through a government that is the expression of its own people is also reiterated in resolution 1500 of 14 August 2003 in which the Security Council welcomes the establishment of the broadly representative Governing Council of Iraq on 13 July 2003 as an important step towards the formation by the people of Iraq of an internationally recognized, representative government that will exercise the sovereignty of Iraq.

In our opinion, from resolution 1483 no juridical evaluation by the Security Council can be gleaned concerning the war led

by the US and the UK. It has essentially political value and, faced with the dramatic situation being created in Iraq, it attempts to provide a provisional solution with the aim of restoring international peace and security. This can be deduced especially from the speeches of those States that had been consistently opposed to military action against Iraq, such as Germany and Russia, who declared that the resolution represented a compromise solution, and France, whose representative affirmed that the approved draft was not perfect but offered a credible framework to the international community in order to bring assistance to the Iraqi people.

It should be added that a Security Council resolution (implicitly) "pardoning" the war in Iraq would not have been legally admissible. Even if it has a wide degree of discretion in choosing the measures to be adopted in order to maintain or restore international peace and security, the Security Council is not, so to speak, legibus solutus, but is required to comply with the provisions of the Charter, especially those concerning the conditions relating to the exercising of its powers. Even the International Court of Justice, in a well-known advisory opinion of 28 May 1948, affirmed that the discretional powers of the Security Council are subordinate to the provisions of the Charter which constitute the limitations to its powers or the criteria for its judgment.

As regards resolution 1483, it must be observed first of all that, even if it can delegate the use of force to States, the Security Council cannot "authorize" such a use through a resolution that is subsequent to an operation that has already come to an end. In fact, the Council must act in accordance with its primary responsibility for the maintenance of international peace and security (article 24 of the Charter). This implies that the Council can authorize the use of force for a future action or, at least, in a phase where it still has the possibility to orientate coercive action in one direction or another, thus exercising its responsibility. A resolution that was limited to approving

military action that had already been concluded would not represent a form of exercise of responsibility on the part of the Security Council but rather an abdication of its responsibilities, which goes against the functions laid down in article 24. Resolution 1483 should thus be seen not as an attempt to restore international lawfulness (violated by the war with Iraq) but simply to restore international peace and security, considering that – according to the Security Council – «the situation in Iraq, although improved, continues to constitute a threat to international peace and security».

Secondly, it should be stressed that the Security Council can authorize military action by States, but always with the aim of maintaining or restoring international peace and security, not to give rise to an actual war, aimed at defeating a State, as was the war against Iraq. The actions authorized may even be of a particular intensity if the breach of the peace is particularly serious and persistent. This was the case in resolution 678 of 1990, on the basis of which a violent military campaign was fought against Iraq, but with the aim (which probably would not have been reached otherwise) of freeing Kuwait, and without any military occupation of Iraq or overthrow of its government. The war of 2003 was quite different and, precisely because it was carried out with the real aim of occupying the territory and Iraq's oil resources and of overthrowing its government, could in no circumstance have been authorized by the Security Council. It should be remembered that para. 2 of article 24 expressly declares that «in discharging these duties the Security Council shall act in accordance with the Purposes and Principles of the United Nations», and that the main purpose – the raison d'être on a historical level – of the UN is «to maintain international peace and security» (article 1, para. 1).

8. Pre-emptive self-defence

Another reason often given for justifying the attack on Iraq lies in the threat represented by the possession of weapons of mass destruction which might be transferred to terrorist groups and used against the United States and the entire international community.

This justification would seem to be the expression of the so-called Bush doctrine on pre-emptive defence pronounced on 1st June 2002 at the West Point military Academy and placed within the framework of the "National Security Strategy of the United States of America" of 17 September 2002. According to this doctrine the United States has the right to use force in pre-emptive action in order to ward off a threat to national security. «Anticipatory action» is said to be allowed «even if uncertainty remains as to the time and place of the enemy's attack». Such action is meant to be aimed in particular against "rogue States" which have acquired, or are determined to acquire, weapons of mass destruction, sponsor terrorism around the world, and are supported by dictatorial regimes which reject basic human values and hate the United States and everything for which it stands. The first of these was, of course, Iraq.

Apart from any consideration about the absence of proof on the alleged involvement of Iraq in terrorist activities and on the possession of weapons of mass destruction, it is the doctrine itself of legitimate pre-emptive defence that would appear to be fully at odds with international law and, in particular, with the UN Charter. The latter, as has been briefly mentioned already, allows for the use of force in legitimate defence, but only in the presence of an armed attack (and until the Security Council is able to intervene to maintain international peace and security). The condition of an armed attack entails that the use of force is lawful only when the attack is actually in progress and its sole aim is to ward off such an attack. In the case of a simple threat of attack the State in question is required to inform the Security

Council which, in accordance with article 39 of the Charter, has to ascertain the real existence of such a threat to the peace and to adopt possible measures in order to remove the threat.

In international jurisprudence and in the practice of the UN there is no recognition at all of this claimed right to pre-emptive defence. On the contrary, in the past the Security Council, with resolution 487 of 19 June 1981 (adopted with the favourable vote of the United States), severely condemned the bombing carried out by Israel against a nuclear plant (Osirak) being built in Iraq, with the aim of eliminating a threat against its own territory. And similar condemnations were expressed by the General Conference of the IAEA in resolution GC (XXV)/RES/381 of 26 September 1981 and by the General Assembly of the United Nations with resolution 36/27 of 13 November 1981.

It must be added that the Bush doctrine represents a considerable widening with respect to the theory upheld in the past according to which the pre-emptive use of force is allowed in exceptional circumstances in defence from the real and imminent danger of an armed attack that might jeopardize the very existence of a State. The classic case was represented by the Six Days War of 1967 carried out by Israel against the clear mobilization of Arab countries and the declarations of their governments which could lead to the fear for the survival of the State of Israel in the case of an attack against its territory. Whatever juridical evaluation one may give to this form of legitimate defence, the difference is clear with respect to the pre-emptive defence of the Bush doctrine: while, in the former case, a precise and identifiable threat exists of an armed attack involving the risk of destruction of a State such as can be objectively verified, in the Bush doctrine the danger may be vague and non-specific, resulting from the mere intentions of a State and, above all, it is dependent on an evaluation that is wholly subjective on the part of the State that feels threatened.

It should also be pointed out that, in the light of general

international law, the use of force in legitimate defence must respect the limits of necessity and proportionality. Faced with the fear of a possible attack it is doubtful that there are no alternatives to armed force which, therefore, may not appear to be necessary. Moreover, the limit of proportionality, meant in the sense that the force used must be commensurable to the armed attack that the State intends to ward off (or, in the case of so-called pre-emptive self-defence, prevent), is undoubtedly not respected when, in order to eliminate the danger, an outright war is fought, as in the case against Iraq.

The unlawfulness of pre-emptive armed defence is also confirmed by the consideration that this would end up by justifying any military intervention, for example against various States possessing nuclear weapons, or merely suspected of having WMDs, thereby unleashing a situation of permanent war and dashing all the progress achieved by the international community with the creation of the United Nations, by banning armed force in international relations and its "monopoly" in the hands of the Security Council.

The bomb attacks which, for over a decade, Anglo-American forces carried out on Iraqi territory in the so-called "no-fly zones", set up illegally by the two States in question and certainly not by the Security Council, are the proof of the aberrant consequences that the application of pre-emptive defence can lead to. The bombings were justified as actions of legitimate defence against radar sites which could enable the Iraqi missile system to strike Anglo-American planes in the no-fly zones. In this way defensive military sites in Iraqi territory were qualified as a threat against planes which were violating Iraqi air space and its territorial sovereignty. The doctrine of pre-emptive defence thus reveals its true essence, which consists in transforming the attacked into the attacker and vice versa.

Clear confirmation of this true essence has come with the war against Iraq: here, the mere suspicion that Iraq possessed WMDs, accompanied, at most, by prefabricated proof, was

meant to justify "pre-emptive defence" which, in practice, consists in a clear-cut case of aggression against Iraq.

9. The qualification of the intervention against Iraq as aggression

In the light of the above considerations, the intervention against Iraq constitutes a grave violation of international law and of the UN Charter. Lacking in any legal justification and authorization by the Security Council, it openly clashes with the prohibition of the use of force in international relations laid down in article 2, para. 4, of the Charter and by the corresponding provision of customary international law.

More precisely, as we have already mentioned, this intervention, carried out with a massive use of force and with the aim of "subduing" Iraq and militarily occupying it, represents a genuine war of aggression, as laid down in the well-known Definition of aggression passed by the UN General Assembly, through consensus, in resolution 3312 of 12 December 1974. This Definition qualifies aggression as the most serious and dangerous form of the illegal force and defines it as the use of armed force against the sovereignty, territorial integrity or political independence of another State, or in any other manner inconsistent with the Charter of the United Nations. The war in Iraq corresponds, in particular, to certain typical acts of aggression, as set out in the Definition, such as the invasion or attack by the armed forces of a State of the territory of another State, or any military occupation, however temporary, resulting from such invasion or attack (article 3, a), and bombardment by the armed forces of a State against the territory of another State or the use of any weapons by a State against the territory of another State (article 3, b).

The war against Iraq not only constitutes a particularly serious act of unlawfulness in international law committed by

the United States and the United Kingdom. It also represents a severe blow to the prestige and authority of the United Nations: in fact, the Anglo-American action has completely marginalized the UN organs, preventing them from being able to play their proper functions aimed at the solution to crises taking place. In this sense, the attitude towards the UNMOVIC and IAEA inspectors would appear to be of particular gravity. Security Council resolution 1441 of 8 November 2002 requested «all Member States to give full support to UNMOVIC and the IAEA in the discharge of their mandates, including by providing any information related to prohibited programmes or other aspects of their mandates, including on Iraq's attempts since 1998 to acquire prohibited items, and by recommending sites to be inspected, persons to be interviewed, conditions of such interviews, and data to be collected, the results of which shall be reported to the Council by UNMOVIC and the IAEA»; on the contrary, as the President of UNMOVIC, Hans Blix, himself pointed out, there was a lack of co-operation on the part of the United States and the United Kingdom or, worse, they provided false and "inflated" news. Lastly, the work of the inspectors, whose mandate had never been revoked by the Security Council, was brusquely interrupted by the start of bomb attacks against Iraq.

Even in the phase following the downfall of Saddam Hussein's regime, it is the occupying forces, the "Authority", that actually govern Iraq, appropriating even the management of the "oil for food" programme, subtracting it from the United Nations, according to para. 16 of resolution 1483. And although the latter resolution declares «that the United Nations should play a vital role (un role crucial) in humanitarian relief, the reconstruction of Iraq, and the restoration and establishment of national and local institutions for representative governance», this role would seem to be, for the time being, a decidedly modest one, little more than symbolic and, in any case, limited to a profile of little political importance. The role of the UN

remains a very modest one also in the light of the more recent resolution, 1500 of 14 August 2003, which provides for the creation of a United Nations Assistance Mission for Iraq (UNAMI) for an initial period of twelve months which, according to the requests of Kofi Annan, should have a staff of over 300, both international and local. The bloody attack on 19 August against the UN headquarters in Baghdad, with the killing of the Secretary-General's representative, Vieira de Mello, shows, in a tragic way, the loneliness and weakness of the United Nations.

Obviously, it is not possible to make any forecast concerning the future of the Iraqi crisis, which is also a crisis of the United Nations and of international law. However, I believe that in order to find a solution to the crisis, at least the following conditions are indispensable: first of all, the United States and the United Kingdom must leave Iraq because they are (and rightly considered by a large part of the Iraqi people) aggressors and invaders who have violated the basic rules of international law; secondly, the crisis must be put in the hands of the UN, the only organization which still represents the entire international community, in a role that is not simply humanitarian and subordinate to the occupying forces, but political and genuinely "vital", within the framework of peace-building action; lastly, and in particular, the country and its resources must be handed back to the Iraqi people so that they may exercise their essential right of self-determination, i.e. the right to freely determine its political status and freely pursue its economic, social and cultural development. On the contrary, the persistent occupation by the Anglo-American forces can only increase the suffering of the Iraqi people, worsen the crisis, give rise to a never-ending spiral of violence, and thwart the prospect of peace.

Session II

Proliferation and Arms Control in the Middle East and Indian Sub-continent

presentations by
Uday Bhaskar, Abdul H. Nayyar
and Marco Maestro

UNILATERAL ACTIONS AND MILITARY INTERVENTIONS: THE FUTURE OF NON-PROLIFERATION AND ARMS CONTROL WITH SPECIAL REFERENCE TO SOUTHERN ASIA

UDAY BHASKAR

At the outset, allow me to thank Professor Nicola Cufaro Petroni and the USPID for inviting me to participate in this year's Castiglioncello Conference. I recall my earlier interaction with this forum and at that time, the turbulence in the erstwhile Yugoslavia and the military intervention of that period was uppermost in our minds. Today the theme is more complex and has elicited considerable comment already. With the permission of the Chair, I propose to shape my presentation to address the main subject of our deliberations – namely the "unilateral actions" of a single power and the impact on proliferation and related issues as extrapolated to southern Asia – a classification that is more inclusive than the limited nomenclature of south Asia which becomes synonymous with India and Pakistan.

My first observation is that it may be necessary to qualify the term "unilateral action" if we are to capture the nature of recent developments – i.e. the post 9-11 challenges and the actions of the US led coalition in Afghanistan and Iraq respectively. While there was a spontaneous demonstration of global support in the immediate aftermath of 9-11, as reflected in the United Nations and elsewhere – a solidarity that underpinned the military action in Afghanistan that ousted the Taliban regime – this was noticeably absent in the case of Iraq. The deep divisions that developed were most palpable within the UN Security Council, as also within the European Union and what followed in Iraq has been described as an example of US unilateralism. However I would like to suggest that this action of the US may be more accurately described as being an assertion

of the will of the USA supported by some major powers. To that extent a degree of collective action driven no doubt by the will of a single power – in this case the USA – is what we are dealing with.

Before we dwell on the impact that this action will have on matters pertaining to proliferation – and here I wish to introduce a caveat that I am looking at nuclear proliferation and related arms control alone – I submit that it would be necessary to look at these issues in a more contextual manner. The temporal and strategic context accord a certain specificity to both proliferation – vertical and horizontal – as also non-proliferation and the derivatives it spawned by way of arms control treaties and regimes. The proliferation of nuclear weapons followed a predictable trajectory in the aftermath of Hiroshima in that the former USSR soon acquired this capability thereby achieving parity with the USA. Simultaneously, nascent Cold War alliance compulsions and the abiding impress of history ensured that in the decade that followed, only the UK and France were tacitly encouraged to acquire the nuclear weapon capability, while Germany, Japan and Italy – the former Axis powers were assiduously discouraged from seeking such capability. The Club had four members and was rudely jolted by the arrival of the People's Republic of China into the fold in October 1964. Serious non-proliferation efforts began immediately and this took the shape of the Nuclear Non-proliferation Treaty (NPT) of 1970. Alliance sanctity and state primacy were the central features of the time and non-proliferation was advanced according to these dictates. The global community was soon divided into the NWS – the nuclear weapon states and the NNWS – the non-nuclear weapons states by way of the NPT. At the bi-lateral level, the US and the former USSR evolved strategic arms limitation (SALT) and later arms reduction treaties (START) but the NPT as a regime was central to how horizontal proliferation was kept in check. However some major states stayed outside of the NPT and it merits recall that both

France and China stayed outside of the NPT for the duration of the Cold War decades and came on board as signatories only after the experience of the 1991 Gulf War – what is euphemistically referred to as Gulf War I.

It is my proposition that Gulf War I had a very significant impact on the strategic thinking of the USA and other major powers and this in turn influenced the manner in which non-proliferation and arms control were pursued. Iraq's use of the rudimentary Scud missile in 1991 against US troops in Saudi Arabia went beyond the tactical domain. It had a profound symbolism by way of identifying the vulnerability of the major military powers to a trans-border offensive capability of the type that the Scud represented. For reasons that go beyond the scope of this presentation, Iraq also deliberately kept alive the anxiety that it could use a chemical, or biological warhead on the Scud and thus we soon had a situation where the acronym WMD became elastic to subsume the chemical and biological with the nuclear weapon capability. Deterrence was no longer pristine in the sense that it was no longer confined to "deterring" the nuclear weapon of the "other" and the core mission of the nuke was expanded to deal with either C or B – or both. The deviant state with an authoritarian regime that had the potential to acquire WMD and was determined in realizing a revisionist agenda became the new threat to global security and stability. Non-proliferation consequently gave way to counter-proliferation and the seeds for the "axis of evil" formulation had been sown.

Given the manner in which the concept of deterrence, proliferation and non-proliferation have gone through an interpretative transmutation through the interregnum of the Cold War and the immediate post Cold War years – there is a strong case to plead for semantic exactitude while deliberating over these concepts and initiatives in the post 9-11, post Iraq War phase. The Iraq War was ostensibly embarked upon by the USA and its allies to ensure that Iraq under President Saddam Hussein

did not fulfil the covert objective of acquiring WMD capability. However the consensus based on the reports of the UN inspectors to date is that despite the war and the intrusive inspections that have taken place, there is no evidence of any credible WMD capability in Iraq and the pre-emptive nature of the US led initiative was both hasty and untenable. In this case it was also alleged that the Iraqi regime was supporting terrorism and that the mother of all anxieties was the fear that this deviant state would support a terrorist group to acquire the dreaded WMD capability.

Thus we have a significant transmutation – in that from the imposing block rivalry that pitted the nuclear arsenals of the West against the East – wherein the state and its "rational choice" paradigm were central to deterrence, the domain had to be extended to deal with the equivalent of the fringe-state and its WMD capability, as also the support that a deviant regime in such a state could provide to a non-state entity whose perceived central objective was to take recourse to terrorism. The efficacy and centrality of the state was therefore diluted and the certitude that the new players of the nuclear game would be guided by the rational choice model of the Cold War decades was no longer valid. To compound matters, the very dynamic of globalisation enabled a swift, no-questions-asked permeation of technology and know-how that was earlier cloistered.

It is in this backdrop that the WMD domain received further animation by way of the shift in emphasis advocated by the Bush team that took over from a two-term Clinton Presidency. The USA formally distanced itself from arms control and restraint regimes and moved the focus of strategic capability from offensive – predicated upon MAD – to defensive by way of NMD. Further still the USA increased its defence funding and trans-border capability in a noticeable way and the gap between the USA and its western allies became greater. The USA had become the numero uno military power and on any hierarchy – capability wise or budget wise – the next ten places were vacant

and the next most militarily capable nation was ranged at place 11 or 12 with reference to the leader. Simultaneously Russia, as inheritor of the former Soviet mantle is in a state of strategic decline as it seeks to consolidate its political and economic position, while China is on the ascendant in all aspects of state endeavour.

Mr. Chairman, may I extrapolate from here to the Southern Asian region? As mentioned earlier, I propose to look at the entire swathe from West Asia/Middle East through the Arab-Muslim world including Iran and Central Asia through China and the Indian sub-continent right unto Indonesia as the relevant foot-print for our deliberations. There is an overlap with proliferation patterns that obtain in NE Asia but since that is not within the scope of my presentation, I will not touch upon those except to draw attention to certain linkages relevant to Southern Asia. The issue we are looking at is «proliferation and arms control» against the backdrop of «unilateral actions and military interventions» – and here the need to distinguish various categories is important. One set of arms control issues are specific to states and here again the top-down paradigm merits attention. The actions of the USA apropos WMD will shape the responses of Russia and China in the first instance – and France at a remove – and here both the abrogation of the 1972 ABM and the emphasis on NMD are relevant. For its own reasons, the USA has decided to jettison arms control treaties and regimes of Cold War vintage and the manner in which the qualitative and quantitative profile of the US strategic deterrent or capability finally concretises will determine how the other powers will respond. That to my mind is the first level or cut of arms control-proliferation patterns at the major or relevant state level.

Downstream we have other states that will be deeply cognizant of these developments and here China holds the key to what happens in southern Asia in more ways than one.

I will focus on two dyads – namely Sino-Indian and the Indo-Pak and look some of the interlinkages between the three

states. Mr. Chairman may I add here that Israel and West Asia are outside of the scope of my presentation and I gather this region will be addressed in another session. Incidentally these three countries – namely India, Pakistan and Israel are all non-signatories to the NPT a to that extent their actions in matters pertaining to nuclear weapons are not to be construed as any treaty transgression.

India carried out its nuclear tests in May 1998 since its security compulsion warranted such an action and at the time, the China factor was highlighted. While this assertion was a statement of fact, there was bitter acrimony in the Chinese response initially but this has since been redressed. Currently India and China have a stable political relationship and while there is a complex border and territorial dispute that is yet to be satisfactorily resolved, the WMD capability – nuclear weapon and missile – is not a factor that has been invoked by either side. There is a glaring asymmetry between Beijing and Delhi in the formers favour by way strategic capability but a certain degree of mutuality has been arrived at both sides. To that extent it may be surmised that the Sino-Indian WMD dyad is stable at the visible, primary level, though some of the other subterranean linkages warrant scrutiny.

As you are aware, the Indian nuclear tests were followed by those of Pakistan in end May 1998 and Islamabad's covert capability had now become overt. Horizontal proliferation had occurred and whatever be the reservations about accepting the emergence of two nuclear powers in a de jure manner under the framework of the NPT, the reality is that by end May 1998, there were two more de facto nuclear weapon powers. Since both were outside of the NPT, they cannot be classified as NWS – but perhaps more as SNWs – or states with nuclear weapons. Here two strands of the proliferation pattern warrant scrutiny. The Pakistan WMD capability was enabled to a great extent by the co-operation of China – and to an extent North Korea and hence the proliferation linkages in southern Asia are tangled

with NE Asia with China playing a major role.

In the dyads mentioned earlier, while the Sino-Indian case is relatively stable with both sides accepting the status quo by way of not using the nuclear capability to cast any shadow on unresolved bi-lateral issues, the Indo-Pak dyad is less stable. Pakistan has adopted the equivalent of a revisionist agenda and has sought to use its WMD capability to change borders and wrest a favourable territorial advantage *vis-à-vis* India. This was evident in the 1999 Kargil war and the global community had cautioned Islamabad about the inadvisability of using its WMD capability in this brinkmanship mode.

However the military regime that has seized power in Pakistan has a vested interest in keeping the nuclear issue alive hence the anxiety about the perceived lack of stability in the Indo-Pak nuclear dyad is often accorded a much higher visibility than warranted. Here I have often been perplexed by the Chinese actions in abetting WMD proliferation. In southern Asia, China it may be recalled supplied the CSS-2 nuclear capable missiles to Saudi Arabia in 1987 and has provided a range of missiles and other nuclear weapon know-how to Islamabad's military rulers. While outside the scope of this presentation, China's empathy with the North Korean regime and the Sino-Pak-North Korea linkages in the WMD domain referred to earlier are also abetting the proliferation pattern in Asia as a whole. Thus we have a level two proliferation pattern wherein China has been the hub for the supply of missilery and nuclear weapon proficiency.

Simultaneously the emergence of the deviant regime that subscribes to a revisionist WMD agenda and that could provide such know-how to a non-state actor is the related proliferation anxiety. Here the possibility that such non-state actor may also seek to acquire either chemical or biological weapons cannot be ruled out. Hence arms control in such a complex framework that subsumes both state and non-state actors as also deviant regimes that do not conform to the rules of the game will be the new

challenge. My submission is that the earlier models of arms control are inadequate for their existing provisions cannot cater to the new realities.

What we need at this point is not merely a semantic review with the NPT as the central feature, but a fundamental review of WMD that will help identify the scope of the challenge and the ability – or lack thereof – of existing structures and regimes. Appropriate methodologies would have to be evolved to ensure that the new realities post Cold War are acknowledged and appropriately addressed. These could be evolved from the global to the regional with due allowance for the kind of techno-strategic shift that is on the cards with the USA pushing the missile defence envelope.

However at this point – that is post 9-11, the greater anxiety is not the WMD co-relation among the major powers but the deviant regime/non-state binary and here the paradigm shift in how states with WMD capability are to be perceived merits attention. I would submit that in the current global strategic scenario, such states will have to be assessed in terms of how much they contribute to global and regional stability by the kind of responsibility, restraint and rectitude they bring to bear in terms of their WMD stewardship – in short the 3 R test. Within this framework, the greater onus devolves on the USA to manage the major state WMD balance and to consensually define the "collective" interest – perhaps in a Gramscian manner – that is the primacy of the USA is accepted by mutual consent among the WMD powers and not contested.

As far as the non-state/deviant regime binary is concerned, the anxiety about WMD know-how permeating to this combine will be an abiding proliferation concern. Here the potential for consensus is much greater and as of now China is under scrutiny in terms of how it will "manage" the NE Asia turbulence that has the North Korean nuclear resolve at the hub. The other fear is that Pakistan's WMD capability will become available to non-state entities either by omission or commission and here the role

of radical religious zealotry has elicited concern and comment. This is a very complex domain and I would personally urge that no religious tag be associated to any WMD capability. Pakistan has a unique status among the seven overt nuclear weapon powers in the world in that it is the only country where the capability is under the direct control of the military and does not have a civilian apex in terms of command and control. The Pakistani military is a professional force and one presumes that their word matches deed when it comes to discharging certain WMD responsibilities. It was in this sprit that India had mooted the Lahore WMD CBMs in early 1999 but these were grounded in the Kargil war that followed in the summer of 1999. The Pakistan military's penchant to indulge in brinkmanship and pursue a revisionist agenda with India whereby it seeks to change borders by the use of military force – including the WMD – is a behavioural pattern that will have to be transformed. Here both China and India have a role to play in encouraging Pakistan to contribute to regional WMD stability even while assuaging Islamabad's anxieties.

Mr. Chairman we have a very real challenge today by way of WMD and the manner in which they are perceived both by state and non-state actors. The actions of the major powers and the salience they accord to the nuclear weapon in their security doctrines will have significant bearing downstream. Personally I still maintain that the global community should not jettison disarmament. In the interim, may I borrow from a formulation enunciated in an ancient Indian political treatise – the Arthashastra? One of the prescriptive features is that security as a concept has to be interpreted and pursued in such a manner that it is equitable – which in turn makes it sustainable. That is the core of the WMD challenge today – to define what constitutes equitable WMD security- particularly the nuclear strand – and to strive towards regulating the proliferation compulsions. It is daunting but not insurmountable.

NUCLEAR SOUTH ASIA, POST-9/11

ABDUL H. NAYYAR

In exploring the general question of nuclear proliferation in South Asia in the post 9/11 world, this article examines three questions: 1. Where are India and Pakistan now, 5 years after the tests? 2. What has been the impact of US on India and Pakistan during this period both before and after the three events; 9/11, the war on Afghanistan and the war on Iraq? 3. What lies ahead in the future for South Asia?

1. Politics of Crises and Nuclear Weapons

a) Restraint

Since their nuclear tests in May 1998, India and Pakistan have continued to develop their arsenals. More importantly, while they seem to be doing this as fast as they can, there appears to be little significant expansion in their capabilities. There has been no steep jump since the tests in terms of fissile material production capability, further nuclear tests or actual deployment of weapons. In terms of building new fissile material production facilities, even though BARC was reported to have asked for it, India has not started work on a new plutonium production reactor (Dhruva 2). Similarly, Pakistan has not expanded its uranium enrichment capacity by building a new centrifuge plant. The production reactor Khushab became critical after 1998, but work on it had begun much earlier. While strategists and some scientists in both states have pushed for new nuclear tests, the testing moratorium after May 1998 has remained in place. India and Pakistan have also tested missiles, and claim to have inducted missiles into their armed forces, but there has been no deployment as such. Therefore, a measure of

restraint seems to be in place. This can be seen in two ways. First, they do not know yet what kind of nuclear force they want, and so are going along with business as usual till this becomes clear. Second, they are sensitive to international concerns and see no reason to confront possible international pressures in response to any major step unless they see clear political/strategic benefits. The military coup in Pakistan in 1999 did not change this. A change of government in India is unlikely to substantially change Indian nuclear policy in this regard either.

b) Crises and Détente

Since the tests, there have been severe crises (Kargil in 1999 and the massive force deployment from December 2002 to April 2003), and efforts at detente (Lahore 1999, Agra 2001). During the crises, there were repeated threats of use of nuclear weapons (examples), and some reports on preparations for deployment. These brought international intervention (especially by the US) for crisis management. For all concerned, nuclear weapons have become a fundamental part of the politics of crises in South Asia. The efforts at detente have stumbled on the question of Kashmir. The international interventions have not focused on this issue. It seems likely that crises will recur.

2. The Role of the United States

After the nuclear tests, the US imposed sanctions on both India and Pakistan, but lifted them quite quickly for its own strategic and economic interests. The 2001 visit by President Clinton to South Asia established new relations with India of strategic support and cooperation. Simultaneously, US policy towards Pakistan became increasingly focused on the rise of militant Islamist groups, and on the regional instability created

by Pakistan's nuclear weapons (e.g. Kargil), and Pakistan as a possible source of the proliferation of nuclear weapons technology (to North Korea and Iran in particular). Concerns were also voiced at Pakistan's bomb getting into wrong hands and threatening US strategic interests in the Middle East and elsewhere.

Immediately following 9/11, as the US prepared to attack Afghanistan, it needed allies in the region to remove support for the Taliban regime. Pakistan was the single most important political and military supporter of the Taliban. The US demanded Pakistan abandon and turn against the Taliban whom Pakistan had helped bring to power. This required that Pakistan abandon its strategic interests in Afghanistan. It is reported that the US threatened Pakistan. As a consequence Pakistan felt very insecure. General Musharraf claimed that he had to give in to the US in order to protect (a) Pakistan's political and economic interests, (b) Pakistan's position on Kashmir, and crucially (c) Pakistan's nuclear weapons. It was reported that Pakistan moved its nuclear weapons to more secure places. This would seem to imply that some in Pakistan's military leadership feared a possible US strike against Pakistan's nuclear weapons.

There were positive reasons also for Pakistan's support for the US war on terrorism. Pakistan hoped to rebuild its relationship with the US that had been damaged during the 1990's by the conflict between Pakistan's nuclear ambitions and the US nonproliferation policy. Pakistan's goal was to recreate the same kind of strategic relationship that it had with the US in the 60's and the 80's when Pakistan had received large amounts of economic and military aid by virtue of being a frontline client state in the Cold War.

There were also domestic political reasons for Pakistan turning against the radical Islamic regime of the Taliban, which had strong links with Islamic militants in Pakistan. Following his 1999 coup General Pervez Musharraf had seemed to recognise the growing threat to Pakistan of Islamic militancy

and the need to contain and counter it.

India for its part tried to take advantage of the US policy towards Afghanistan and the war on terrorism in South Asia. It offered support to the US, asking the US to recognise that Pakistan was a part of the problem of Islamic terrorism rather than a part of the solution. In particular it urged the US to put pressure on Pakistan to end the support to militancy in Kashmir which had taken on an increasingly Islamic character in the last decade.

In many important ways, India and Pakistan tried to take advantage of the US intervention in Afghanistan to use the US to meet their own strategic goals. At the same time they recognised that the US was using them for its own purposes. Also, India and Pakistan both learnt that American policy, being oriented to problem solving, is able to change quite rapidly to adjust to what it sees as ground realities.

The American Posture

In this time, there have also been important changes in US nuclear policy that have direct and important significance for India and Pakistan's nuclear policy. The December 2001 "US Nuclear Posture Review", the subsequent National Security Strategy, and developments since then in Administration budget requests and Congressional debates, all imply a role for US nuclear weapons for the foreseeable future, movement towards new nuclear weapons and possible resumption of nuclear testing, and planning for new situations in which to use nuclear weapons. Among the consequences of these policies are:

(a) A nuclear armed US for the foreseeable future means that the other nuclear weapon states will also keep their nuclear weapons and this will take away any pressure for nuclear restraint and the possibility of disarmament in India and Pakistan.

(b) The prospect of resumption of testing by the US and then

presumably by the other nuclear weapon states (most likely Russia and China) brings into question the Indian and Pakistani moratorium on testing. India's recently released nuclear doctrine says that if the US tests, then India should also be prepared to test. If India tests, Pakistan will test. This would allow for a qualitative improvement in the nuclear weapon capabilities in both countries. India could make sure of its hydrogen bomb, and Pakistan could test a plutonium bomb and boosting.

(c) The "Nuclear Posture Review" says «In setting requirements for nuclear strike capabilities» the US must be prepared for various contingencies, including «sudden regime change by which an existing nuclear arsenal comes into the hands of a new, hostile leadership group». Given the experience soon after the September 11th, this would seem to hint at a possible US concern about Pakistan. The possibility that Pakistan may be a target of the US including a possible nuclear strike seems to have been a growing concern for Pakistani military leaders and strategic analysts (some political leaders and commentators in Pakistan have been convinced of a threat from the US since the early seventies – Z.A. Bhutto claimed his government was brought down in 1977 as part of US efforts to prevent Pakistan developing nuclear weapons). Trying to deal with a US attack could put a lot of pressure on Pakistan's nuclear command and control system. The system was presumably developed to be able to manage a conflict with India rather than with the US which has enormously greater capabilities. Some strategic analysts have gone to the extent of suggesting Pakistan plan to attack India or Israel as a way to deter possible US aggression.

There has been a strand in Indian strategic thinking that has tried to wish away Pakistan's nuclear weapons. There are now some in India who believe that the US will intervene to prevent possible Pakistani use of nuclear weapons in a crisis. This may make India more willing to take risks and Pakistan more desperate to prove that it is serious. (subrahmaniam)

3. Implications for the Future

Re-arming

For many decades Pakistan has sought to acquire advanced conventional weapons from the US and West European states to counter more numerous Indian weapons of Soviet origin (jets, tanks helicopters, etc). To pay for these, Pakistan has relied on its relatively higher rate of economic growth, large amounts of US military and economic aid, and reduced priority on socioeconomic development. During the 1990's, all of these changed. Pakistan's rate of economic growth fell sharply. US aid stopped. Poverty in Pakistan doubled; now one in three people in Pakistan lives below the poverty line. At the same time, India's economy took off, military spending increased. India started buying many new state-of-the-art weapon systems, and upgrading its old Soviet weapons with advanced technology components from Israel, as well as starting to buy weapons from the US. The conventional strategic military and economic balance is shifting in India's favour and the gap between India and Pakistan is likely to grow. This will put Pakistan's military planning and its economy under great stress. It may serve to increase Pakistan's sense of dependence on its nuclear weapons.

Talking

Talks between India and Pakistan over both nuclear issues and on Kashmir have been more or less stuck for the past 4 or 5 years. Pakistan's strategy of relying on jehadis has brought it into conflict with the US war on terrorism. Pakistan will search for new ways to put pressure on India for talks on Kashmir. India will seek to keep the international community out of the process since it is the status quo power. It is likely then that there will be future crises over Kashmir unless the international

community can help India and Pakistan find a settlement of the dispute.

Loosing grip

There are many inconsistencies in the US non-proliferation and counter-proliferation policy, which have impacted South Asia. The most glaring is the US collusion with Israel. The US is committed to protect and strengthen Israel's deterrent through many kinds of technological and financial support. The US refuses to make any substantial effort to implement UN resolutions calling for Israel to join the NPT as a non-nuclear weapon state, or to create a nuclear weapons free zone in the Middle East. US support for Israel is in sharp and painful contrast to its determination to wage war on and occupy Iraq under the pretense of the threat of Iraqi WMD, which has now been shown to be a complete fabrication. At the same time, the US is equally determined to negotiate with North Korea which has been much more successful than Iraq ever was in acquiring nuclear weapons capability. These elements of the US policy make clear to many that the US does not have a principled and consistent approach based on existing international law and UN resolutions for its actions. Rather, the US acts on the basis of very narrowly defined political and economic interests. In short, it is not to be trusted. Unfortunately, this realisation suggests to many people, including some in the peace movements in India and Pakistan, that perhaps their countries should have and keep nuclear weapons as an insurance against American unilateralism. The cause of global nuclear disarmament and an international community based on a cooperative approach to security and justice is being made much more difficult.

SOME SCATTERED COMMENTS FOR A BIRD'S-EYE VIEW OF THE PRESENT MIDDLE EAST SITUATION

MARCO MAESTRO

It seems obvious that the September 2001 events have drastically and dramatically sped up the political evolution at a world-wide scale; and it is evident (in my opinion) that this critical situation is far from settled. A possible victory of Democrats in the 2004 presidential elections could introduce some relevant changes, but I don't tend to emphasize such a possibility, at least with the present level of information on the programs and leaving aside the most important question, i.e the real chances of the Democrat nominee to beat the Bush's team. Because of this I will limit this presentation to some rather random observations on the present situation in the Middle East theatre; the choice is also the most convenient suitable for a not professional observer as I am.

Since the Twin Towers attack the Bush administration has been involved in two wars, leading two different coalitions to which it supplied the prevalent portion of the military and economic effort. Now, in spite of the common reference frame (the fight against terrorism), I think it is more interesting to emphasize the differences between the two wars. In particular, it is worthwhile to stress the following point. The Afghanistan campaign had the character of an emergency intervention as a reply to the unprecedented offence to the USA self-esteem and security, and to satisfy the request of revenge of the US public opinion. The intervention in Iraq has a completely different character. Here one deals probably with the first step of a far reaching strategy. The main aim of the intervention (or better of the whole strategy) is a general modification of the equilibrium balance in the Middle East, from the military, political and economic point of view. In some way we can say that the fight

against the terrorism is not abandoned but rather downgraded to a by-product. A first point which could be stressed on the Middle East, is a sort of blatant asymmetry. In fact while from an historic and even more from a spiritual and ideological point of view, its core, or better its heart is in the Holy Land, it is not so for its geopolitical one, which is placed more then thousand kilometres on the East and more precisely on the Arabic Gulf. It was not always so. For instance some dozens years ago, during the long agony of the British Empire, and, even more, before the discovery of the enormous oil reserves of Saudi Arabia and Iraq, the geopolitical centre of the region was the Suez Canal, the immediate rear of which was just Holy Land. Now, in my opinion, the main idea of the Bush Administration was to hit in Baghdad and to gain the laurel in Jerusalem.

I will not spend any comment on the risks (and of the sins) of this hazardous politics and I prefer to develop some observations on its strengths an on the difficulties it will plausibly face. In my opinion the main trump card of the Bush Middle East politics is not the obvious strength of the USA army, nor the success he got in the mid-term elections. Its main atout is in one statement that appears to be so soundly based on the crude facts of the past history to be acquired as an unavoidable common sense warning. Among the hundreds of local conflicts which afflicted the past century, none was so strongly and for so long time influenced by the external influence as the Arab-Jew and subsequently the Arab-Israeli conflict.

It is impossible for lack of time to draw a list of the examples which could be brought to support my standpoint. But it is worthwhile to quote two recent examples, since they are strictly connected to the present situation. The Madrid conference, which was the harbinger of the Oslo process, is a direct consequence of the Second Gulf War and of its outcome; while the dramatic conclusion of the same process between Camp David and Taba is strictly connected to the last events of

the second Clinton term. But in this last case, another point (may be more debatable and certainly less investigated) deserves some comment. In my opinion, the negative output of the Oslo process was strongly influenced by the failure of the Syrian track explored by Barak which in turn weakened him on the inner front and drove him to the adventure of the early resignation of his mandate. When one follows the chronicles of the wearing and cumbersome last scenes of the Oslo Camp David drama (see, for instance, the splendid book by Enderlin [1]) one is sometimes taken to deplore the stiffness of Barak or Arafat. But I think that this is at least partially a wrong way. The Oslo fate was largely written some months before, when in Geneva Hafez el Assad rebuffed scornfully the Barak offer (in that case, effectively very generous and convenient) which was presented to him by Clinton. At the very end, even the dangerous reading of the withdrawal of Tsahal from Lebanon as a dazzling victory of Hizbullah movement and as an example to be followed for expelling the settlers from West Bank and from Gaza, has the same origin.

I don't claim that the lens by which I am reading the present situation of the Holy Land conflict could justify the apparent Bush belief that «The way to Jerusalem goes through Baghdad»; but at least it gives some support to it. And, certainly, it is much more plausible than the inverse statement which was suggested by some leftist critics of the Bush Administration; «The way for Baghdad (that means the way to placate the dangerous Saddam) will pass through Jerusalem (that means by a solution of the Holy Land conflict in a way more satisfying for Palestinians)».

Now I will give some comments on the different "actors" of the Middle East drama, or, better, on the different scenes in which it is played. To start with, let me consider Iraq. It is evident that also here (or, more properly, especially here) the situation is far from stabilised. In spite of this, some points same to be acquainted. First of all it is clear that the Bush Administration made some mistakes in its calculations, which is

by no means an exceptional event.

History is so crammed with examples of wars where the beginners made such errors, that one could even say that errors are the rule. Besides, in the Iraq case, some of the errors were in USA favour. For instance the duration and the intensity if the resistance of the Iraqi army, which, practically, didn't fight. In some case one had the feeling that the situation slept out from the USA hands since the army moved forward too quickly. Or the big number of the expected displaced people, which did not materialize. But, in spite of all this, there were errors, mainly in some lack of flexibility and fancy in managing the immediate post-war cumbersome situation. In extreme and trivial synthesis, one could say that out of the two raisons invoked by Bush for the war (the presence of WMD's, and the rogue nature of Baath government) the former appears more a pretext, while the latter has been confirmed "ad abundantiam", but, sincerely, it was not enough for a war. Of course, one could comfort oneself with what I heard at the recent Socialist International meeting in Rome where an Iraqi delegate said: «What do you want? In Iraq there was a tremendous Mass Destruction Weapon: Saddam Hussein».

A little more in earnest, I think that the main challenge for USA in the inner Iraqi front is to find quickly some type of "modus vivendi" with a large portion of the former baathist bureaucracy obviously formally "restyled" and subjected to some type of incipient democracy. Obviously I was driven to this opinion from my personal memory of the Italian situation in the post WWII years. The analogy seems to me rather cogent. The chaos of a strong authoritarian structure which suddenly collapsed (by the way another strong difference with respect to the situation in Afghanistan), many people who are influenced from the example of a "revolutionary" foreign country, and so on. Analogous is also the detail of the familiar drama of a dictator who killed his son in law.

If, by chance, this analogy has some soundness, we could

wish to USA (and in effect, not only to them) that they could find rapidly some Iraqi De Gasperi and also a Togliatti.

As for the political consequences for USA of the Iraqi war, my best notations are based on what I heard at the International Socialist meeting hold in Rome two months ago.

There, I really was rather surprised by the extremely moderate tones of the criticism against the US. Apart from the unanimous positive comments of the large variegated Iraqi delegation (Sunnite, Shiites, Kurds and Communists), what most shocked me were the speeches of socialists leaders from France and Belgium (Moscovici, Di Rupo). They were not prone to go back from the assumed positions at U.N., but at the same time they were pushing for a positive collaboration with the US supported Iraqi administration. A similar position was held by the German delegate and even by the Iranian one. As far as I remember the unique disagreeing voice was from a Morocco delegate, perhaps balanced by Bernard Kouchner who compared the post-war situation in Iraq and in Kosovo. Some comments on Syria give me the opportunity for a remark on the E.U. policy. Syrian situation seems to be sub-critical, i.e. rather stable but with serious risks of future crisis. They do not stem so much from inner (social or economic) problems nor from the complex equilibrium among different factors which certainly are operating under the surface of an opaque structure. The risks come directly from the Iraqi crisis.

During the war Syria avoided the fatal error to ignite once more the northern Israeli front. The US have shown to appreciate that behaviour. But, in spite of this, the situation is still rather dark. In a few words, one can observe that in the last fifty years Syria has attacked three times Israel always with the open aim to destroy it. Each time Syrians fought fiercely and courageously, but were beaten. As a conclusion, Syria has lost a small region (no more then 0.6% of its territory) and, may be as a political remuneration, it maintains the military occupation of Lebanon and a strong hegemony on it. Now, in the post

September 11 atmosphere and after the Iraqi collapse (Syrian government was among the rare governments that have shown some support to Saddam, though a lukewarm one) is rather implausible that Syria could succeed in getting back the entire Golan and, at the same time to maintain the Lebanon occupation. One can argue that Syria has lost its best opportunity three years ago rebuffing the offer of Barak who, at that time, was enormously weaker then Sharon now is.

The Syrian deal leads me to a comment on the E.U. policy in the Middle East. I think that an intelligent intervention of Europe should be based on cooperation with the US without being subjected to them. Till now, E.U. practically limited itself to a purely conservative defence of some Palestinian positions (in particular that of Arafat) without introducing any strong new idea or viable road for a solution. Recently Moratinos [2] has attributed to the E.U. the Road Map initiative, but, in my opinion, with rather weak arguments. Certainly this belief is not the prevailing one in Holy Land and elsewhere.

One point should be evident for all the players. The half-century old Syrian war against Israel via Lebanon and its military fractions is out. It should be useful to convey this message to Syria via the E.U. and not by the US arrogant diplomacy.

For instance, E.U. could suggest to replace the Syrian army in Lebanon by warranting that the new situation does not prelude to a local Israeli hegemony. Correspondingly, the generous commitment of Syria in favour of many Palestinian refugees could be in some way acknowledged and rewarded. In the same time one should press Israel via USA in order to obtain a withdrawal from Golan. Of course many other suggestions could be put forward. What is sure is that the persisting opacity of the E.U. diplomacy is not useful for a renewed and strengthened presence in the Middle East arena. And, obviously, without a unified willing and without spending resources, this aim is further thwarted.

Finally let me make some short comments on the main actors of the drama: Israelis and Palestinians. The present governments do not appear adequate for the difficult aim of a durable peace, to which the majority aspires. That means that they don't seem to be sufficiently coherent, strong and determined to impose to the considerable portions of their constituencies still fascinated by unrealistic promises and fanatic demagogy, the painful renouncements imposed by the hard reality of the facts. And, when one deals with such type of arguments, one should never forget that no peace is possible among contending people who don't want it. From this point of view, rather paradoxically, the present Sharon government is may be the worst among those which leaded Israel since its foundation. In fact it comprises, though with a minority position, some leaders of that extremist wing. On the other hand, in the Palestinian side team, it is difficult to see if are prevalent those who antagonized the militarization of Intifada.. These forces exist and were active, though perhaps very weak at its very beginning. And certainly, not sufficiently supported by those (mainly out of the country) whose task was to do that.

The Road Map which should drive the contenders on the path of peace finds the Palestinian side much weaker with respect to Oslo. In spite of all this, for all those who want to maintain a residual vital optimistic faith, some characters of Road Map can represent an effective improvement with respect to the Oslo machinery. May be the past experience has taught something. On this subject I was very impressed by a recent remark from Peres who is (among the Israeli leaders) the most sincerely and coherently committed to the peace process. Peres said that his worst regret on his own conduct during the Oslo track, was in his own excessive tolerance towards the Palestinian violations of the agreements. I think that one can trust to him.

But I ask: why such a tolerance? And my answer is easy: because of the parallel violations on the Israeli side, not

necessary from Peres, but certainly well known to Peres. In fact the Oslo process was developed with a large margin of reciprocal tricks, under the tacit consent of the international mediators (the USA, and even worse Europe), in principle the watchdogs of the agreement. May be they did not want to be too much and too costly engaged.

Now one can hope that a very rigid and truly impartial monitoring structure will be promoted and implemented. No pretext, no subterfuge should be tolerated and every violation should be immediately charged and punished.

In the meantime some very worrying behaviours and events didn't fail to manifest and some well known tactics for torpedoing the peace track have been restyled. For instance this story of small new settlements which disappear but almost immediately sprout again as mushrooms after a summer storm, even if they do not exhibit the Sharon's personal signature, certainly hope to echo in his old Zionist-settler heart. A heavy problem as that of war prisoners in the Israeli jails which should be treated with the maximum of caution and of responsibility. It risks to become a pretext for blocking the process. In my opinion, is not by chance that the Road Map document does not say a word on this subject. Of course war prisoners must be given back. But this is often only one of the last act of a conflict (see for instance what happened in the first Gulf War between Iraq and Iran). It is obvious that Palestinian prisoners sooner or later will return home. Who wants to transform this issue (or, worse, that of a complete restitution!) in a preliminary condition to the peace process, is simply one of the rejecters of Road Map, even though a reticent one. It is displeasing to note that some recent Arafat President's statements could insert himself in that crowd.

The simple examples now given (and many others from both sides could be quoted) are a tragically risky game. Road map can be judged in various ways and there is here no time for doing that. But one point seems to me evident and transparent.

For its contents and even more for the situation in which it has been proposed, Road Map is something very similar to an extreme life belt for a possible peace process in the Middle East.

A full responsibility must be claimed from all the actors on the scene.

On the same scene are already playing even too many players who wildly present nightmare scenarios as alternative suggestion in the case of "a failure of Road Map". [3] Nobody should be considered innocent for an erroneous guess of the situation. Many thousands of dead, the enduring dramatic situation of two peoples, three years of horror and the twenty years of grievance and mistrust that unavoidably will follow should induce to avoid such a failure.

And finally a last half playful remark for the E.U. behaviour. I think that nobody (at least nobody here, nobody of us) would accept a policeman who operates out of any accepted law and who pretends to punish contraventions where he wants, even in places where no warning notice is visible. But, on the other hand, it should be quietly accepted that to place warning notices without paying for a policeman who will punish contraventions is a frustrating and not a so much honourable performance.

References

1. Charles Enderlin, *Le rève brisé,* Fayard, Paris 2002.

2. See interview of Miguel Morartinos in "Jerusalem Times" of July 25, 2003.

3. See interview of Benny Elon in "Jerusalem Post" of July 25, 2003.

Session III

America and the World today

presentations by
Steven Miller, Nadia Alexandrova Arbatova,
Giuseppe Nardulli and Hugo Estrella

PRIMACY OR ORDER? AMERICAN POWER AND THE GLOBAL SYSTEM AFTER IRAQ

STEVEN E. MILLER

The fruits of victory

After months of painful debate and acrimonious diplomacy, the war against the regime of Saddam Hussein in Iraq arrived in March of 2003. Mercifully, the operational military phase of the campaign in Iraq was swift, none of the worst case scenarios materialized, the losses were relatively modest, and a decisive result was achieved. The situation within Iraq remains unsettled and the long-term consequences of this military intervention are, of course, still unknown and will remain unknowable for some time to come. But at a minimum a brutal and dangerous tyrant has been deposed – a consequence that should be welcomed even by those who questioned the advisability of this war. And now there are in view much more hopeful futures for the domestic governance of Iraq. These futures are by no means assured by the military intervention and its aftermath so far, but they were not at all in prospect under the violent authoritarian rule of Saddam Hussein. No doubt, many difficult struggles lie ahead in Iraq, and the continued sporadic violence and public disorder is, at present, producing unease about the existing state of affairs in post-war Iraq. But it is well within the realm of the possible that the Bush Administration will succeed, at least to some considerable extent, in achieving its articulated objective of bringing liberal market democracy to Iraq. Toppling Saddam quickly and relatively cheaply is an accomplishment; democratizing Iraq, if it succeeds, will be a real triumph.

In addition, Iraq has now, definitively and for the indefinite future, been removed from the ranks of those states who raise major concerns in terms of the proliferation of nuclear,

chemical, and biological weapons. Controversy has arisen over the failure (as of this writing) to discover weapons of mass destruction in Iraq. If this remains true, it will indeed be an embarrassment to those who advocated this war in large measure on the basis of claims that Saddam was engaged in illicit WMD activity on a substantial scale that posed genuine and imminent threat. On the other hand, Saddam's appetite for these weapons can hardly be questioned. His previous possession of these weapons was conclusively exposed by the activities of the UN Special Commission (UNSCOM) during the 1990's. Whatever the true state of Saddam's WMD programs in March 2003, it seems certain that so long as Saddam remained in power, proliferation worries would remain. These worries have now been eliminated.

Moreover, in the aftermath of the war, an opportunity now seems to exist to make progress in surmounting the bloody and tragic stalemate between Israel and the Palestinians. The strategic landscape in the Middle East has been changed in part due to the elimination of the threat Saddam's Iraq posed on Israel's eastern front, which perhaps gives the Israeli government additional flexibility. The diplomatic arena has been altered in the aftermath of the Iraq War by the resolve of President Bush and Prime Minister Blair to push forward with the "Roadmap" initiative that seeks to create a more positive momentum in the process of interaction between Israel and the Palestinian Authority. No one even remotely familiar with the history of this stubborn and long-intractable conflict will assume that big breakthroughs will occur or major progress will be made. But even if success is far from assured (and indeed the prospects for the Roadmap initiative are presently being confounded by ongoing violence on both sides), a modestly hopeful new opening now exists.

The war, in short, was not as costly or difficult as many feared and it has produced both desirable outcomes – the elimination of Saddam Hussein's regime and of the WMD

proliferation threat it posed – and hopeful possibilities – including the prospect of more civilized governance in Iraq and of diplomatic progress in the Middle East. The main champion of this war, the Bush Administration, is pleased and satisfied with these results, as well it should be. It dared to act and has produced some consequences that ought to be widely recognized as beneficial.

The costs of war

But this is not the complete picture. Any full appraisal of the impact of the war in Iraq must take into account the bruising diplomatic melodrama that preceded the war and the divergent perspectives that have persisted even after the war. Indeed, it seems clear that this war has left considerable wreckage it its wake. The community of industrial democracies was divided and relations among major states were damaged and embittered. Traditional instruments and institutions of transatlantic diplomacy were disparaged and spurned, resulting in fears that lasting harm has been done to widely valued bodies (including the United Nations, NATO, and the EU). Preferred rules of international behavior were ignored or rejected, producing concern that efforts to promote the rule of law and the role of cooperation in the global order have been seriously undermined.

And the leader of the transatlantic community, the world's supreme power, the global hegemon, proceeded in what seemed to many as a willful and defiant manner to pursue its chosen course with little regard to the opinions and interests of friends and foes, with little concern about the perceived legality or legitimacy of its acts, and with little apparent consideration of the precedent it was setting or the character of the global order it was disproportionately shaping. This led to visible and occasionally profound concerns in Europe that the Washington was heading – indeed, leading – in a direction that many

Europeans found unattractive and even unacceptable. Jean-Marie Colombani wrote in "Le Monde", for example: «While there may be good reasons for wanting to deal with the Iraqi problem swiftly, the manner in which the United States is trying to achieve this – as a chance to disengage itself from the obligations incurred by a newborn international order – is simply not acceptable. The respect of international legitimacy must prevail». Further, Colombani had no doubt about the core issue in play: «At stake is the way in which "the new United States of America" intends to lead the world». [1] Because of such disagreements, the United States found itself throughout the Iraq crisis and war to be a leader with a small number of staunch supporters and a larger number of reluctant followers, disappointed followers, aggrieved followers, partial followers, and unreliable followers. And some friends, of course, who simply refused to follow at all.

The divisions over Iraq culminated in the dramatic showdown at the UN in the spring of 2003 over a resolution explicitly authorizing the use of force against Saddam Hussein's regime. Several of the world's major powers – France, Germany, Russia, and China – were opposing the American (and British) initiative. One of America's NATO allies, France, conducted an active diplomatic campaign to undermine, subvert, and defeat Washington's scheme. The Bush Administration, which had enjoyed the support and sympathy of nearly the entire world in the aftermath of September 11, found itself frantically and unsuccessfully attempting to muster nine votes on the UN Security Council. Indeed, so isolated were Washington and London that they could find only two other Security Council members (Spain and Bulgaria) to vote with them, while the French, the Russians, and possibly the Chinese, would have vetoed the resolution had it come to a vote. Its hopes for harmony among the major powers thwarted and its desire for a UN blessing of its war frustrated, Washington abandoned its

effort to obtain a UN resolution and proceeded to initiate war nevertheless.

Both at the time and subsequently, there was a wide sense that this crisis within the transatlantic community was particularly severe and profound. «President Bush», wrote one American columnist, «has managed to produce the most serious rift in NATO since its founding». [2] NATO's imbroglio over the Iraq War was «the nastiest dispute in the 54 year history of the Atlantic alliance», wrote a British journalist. [3] Timothy Garton Ash remarked with dismay that «the West has been grotesquely split over Iraq». [4] Ivo Daalder of the Brookings Insititution concluded, «Relations among the transatlantic Allies are in very serious trouble». [5] Commenting on the impact of the Iraq crisis, Tony Judt wrote that «When the earthquake abates, the tectonic plates of international politics will have shifted forever». [6] Further, there seems to be an acute awareness that this latest crisis is taking place in a different era, in which NATO is less necessary, less central, less sacrosanct. This may make the severe friction and disturbing instability in the transatlantic relationship all the more worrisome.

There is no question that the diplomacy leading up to the Iraq War produced what countless commentators termed a train wreck. But how large is the damage? How lasting? Is it permanent or reversible and will it be repaired? And how much does it matter? There is no reason to assume that histrionic pessimistic conclusions are appropriate. Many have pointed out that serious crises have been endemic through the history of NATO and the transatlantic relationship. The Atlantic partnership has survived Suez, and the French withdrawal from NATO's military command, Vietnam, the Pershing II crisis, and so on. It is certainly possible that the transatlantic relationship will weather the Iraq crisis as well.

Moreover, NATO members share a long history and a large bureaucracy. More fundamentally, they continue to share both fundamental values and many important common interests.

There remain large advantages in many contexts to acting in concert and many global issues of common concern that are best tackled jointly. [7] There continue to exist both reasons for perpetuating the Atlantic alliance and incentives to do so.

It may also be that some of the damage wrought in the months of run-up to the Iraq War will turn out to be, at least partially, self-correcting. Many on both sides of the Atlantic watched in dismay and disbelief at the wounds being inflicted during the Iraq crisis. After the war, policymakers in many transatlantic capitals were alarmed by the damage that was done and appear to be moved by an instinct to repair the damage, to halt the gruesome internecine battling that has produced such anger and dissension across the Atlantic (as well as within Europe). And indeed, since the operational phase of hostilities ended in Iraq, a number of steps have been taken that indicate that efforts are being made to move beyond the impasse caused by Iraq. At the UN, France, Russia, and Germany supported the resolution sought by Washington to end sanctions against Iraq. [8] In Brussels, NATO agreed to support a peacekeeping mission in Iraq (with Poland supplying most of the forces). [9] As normal diplomacy resumed in the aftermath of the war, each gathering of leaders produced outspoken appeals for solidarity and for repair of the alliance. Even George Bush, having unwaveringly steered a course that shook the alliance to its foundations, then traveled to Europe and called for harmony. With not a trace of irony or self-awareness, Bush proclaimed: «This is no time to stir up divisions in a great alliance». [10] Gathered together for the first time since the Iraq War for the G-8 summit, the transatlantic antagonists made sincere if stiff efforts to show that the divide between them was bridgeable and that it was still possible for them to engage in personal exchanges despite the harsh interactions that had occurred during the Iraq crisis. [11] In short, the very intensity of the transatlantic dispute over Iraq may itself have produced wide appreciation of the need for corrective action and a wide

willingness to take steps that will help restore (or at least improve) the health of the transatlantic relationship.

Remaining obstacles

If there are reasons to hope that the Atlantic alliance will surmount the deep divisions of the recent past, there are also grounds for concern that lasting damage has been done, that the wounds will not fully heal, that the impulse to repair the relationship will be insufficient to overcome the fissiparous tendencies and incompatible instincts that were manifest in the Iraq crisis.

One impediment is the deep and persistent anger that the collision over Iraq produced in many quarters on both sides of the Atlantic. Among President Bush's conservative supporters (not to mention among some Bush Administration officials), Europe's reticence on Iraq and German and French opposition to American policy stirred absolute and unforgiving fury. For some in this camp, it goes without saying that Paris and Berlin have been erased from the roster of reliable allies. Many angry souls not only proclaimed the death of NATO but cheered this result as the liberation of American policy from the unfortunate restraints imposed by European sensibilities. And many believe that the unsupportive friends and allies should pay a steep price for their transgressions. But anger is not limited to the American side of the Atlantic. Many in Europe were passionately opposed to the war in Iraq and viewed the United States as an unlistening, bullying, unlawful "rogue superpower". For the angry souls in Europe, the lesson of the Iraq crisis is that American power must be resisted and contained. The fact of this anger is a domestic political reality on both sides of the Atlantic.

A second worry flows from the first. The instinct to repair the transatlantic relationship coexists with an instinct to punish those who acted so unfortunately and who caused such anger. It

is certainly possible (and preferable) that the constructive impulses will outweigh the destructive impulses. But it is not certain that this will be the case. Both instincts are evident in behavior visible since the Iraq War was won, with the punitive instinct showing up in matters large and small. This is particularly true of the Bush Administration. It has invited some two dozen supportive leaders, one by one, to dinner with the President, while snubbing opponents. It has postponed visits to countries that were critical of US policy (for example, Bush's visit to Canada was put off). It has delayed consideration of treaties with states that were not helpful (even a free-trade agreement with Chile was set aside). [12] It has refused requests for high-level bilateral meetings even with major allies who are attempting to be conciliatory (a German request for a side meeting at the Evian summit was denied, for example). And while it is true that President Bush traveled to Evian, France for the G-8 summit and was seen to interact with his fiercest opponent and critic on the Iraq War, French President Chirac, it is also true that the President arrived late, left early, and conducted himself with none of the palpable warmth that had marked his earlier stops in Poland and even Russia – leading many to interpret his visit to Evian as a signal that all was not forgiven.

Indeed, Washington has adopted a quite stern stance toward those NATO allies who were the strongest European opponents of the war in Iraq. Belgium found little forbearance from Washington when a Belgian citizen filed war crimes charges against US General Tommy Franks, who was commander of US forces in the Iraq campaign. Almost instantly, top US officials were publicly discussing the possibility of moving NATO headquarters out of Brussels (possibly necessary, Washington averred, because of Belgium's unhelpful stance in support of the jurisdiction of the International Criminal Court). [13] On a visit to Paris, Secretary of State Powell stated openly that the US was reviewing the need for joint exercises with France and

confirmed that France would not be invited to a major air force exercise in the US in 2004. [14] Secretary of Defense Rumsfeld, with characteristic candor and bluntness, told a Pentagon press briefing that the United States would scale back exercises with and port visits to France and other Iraq dissenters «in favor of countries like Britain and Spain who joined the US coalition that brought down Saddam». [15] Similarly, there has been open discussion and consideration of relocating US troops from Germany to other European countries (mostly in southeastern Europe) that had been supportive of the war and whose location was more relevant to Washington's post-9/11 security concerns. In all of this, this is more than a hint of "payback," suggesting that Washington's much-trumpeted desire for Euroatlantic harmony has not put the punitive instinct into complete abeyance.

Europe's dissenting states have a much more limited ability to "punish" the United States, but this reciprocal instinct is nevertheless evident. Thus, reported "The Economist", France is "determined" not to do anything that would legitimize the US intervention in Iraq or its rule over Iraq after the war. [16] French Foreign Minister de Villepin has been explicit that even in the aftermath of the war France is prepared to cooperate with the United States only to the extent that this does not violate French "principles". [17] Thus, there remains a potential for mutual harm, mutual recrimination, mutual antagonism in transatlantic relations that must be set against the positive elements of the post-Iraq War environment. The potential for a negative spiral clearly exists and this could become a powerful reality if the punitive instinct is indulged excessively.

The possibility of further friction is heightened by a third unfortunate fact: even after the war, there exists a high level of self-righteousness on both sides of the deep disagreement over the proper handling of the Iraq crisis. President Bush has never evinced the slightest doubt that his was the correct and necessary path or conceded the slightest point to his critics. With

the quick and relatively painless overthrow of Saddam's regime, the Bush Administration is feeling triumphant and vindicated. For European opponents of the war, however, Bush's victory in Iraq in no way alters the view that the war was unnecessary and illegitimate. At the G-8 summit in Evian, for example, President Chirac stuck firmly to his critical view and claimed that he was representing a global majority against the unilateralist approach of the United States: «I've no doubt whatsoever», Chirac said, «that the multipolar vision of the world that I have defended for some time is certainly supported by a majority of countries throughout the world». [18] Captured nicely here is Chirac's sense that his posture on Iraq has been both correct and successful. As French analyst Dominique Moisi explained, in the eyes of Paris the confrontation with the United States had strikingly positive results:

> «French diplomacy has gained new heights […] The French-bashing by sections of the conservative Anglo-Saxon press only reinforces the good image of France in the rest of the world. At long last a nation dares to challenge the arrogant and dangerous behavior of the new American empire. France has never had it so good». [19]

When both sides to a dispute feel both vindicated and successful, this is not a situation conducive to rapprochement, convergence of views, apologies, or reversals of course. And not only Chirac, but other European leaders – notably Chancellor Shroeder and President Putin – have persisted in their position that the war in Iraq was an unwarranted mistake (though they have also made efforts to smooth relations with Washington). Deep disagreement over the Iraq War has continued though the war itself is over. This schism casts an unhelpful shadow over efforts to move ahead in a more constructive way.

The anger can and will fade. The punitive instinct may be troublesome but it can be restrained by wise statesmanship or neutralized by the contrapuntal instinct to repair the transatlantic relationship. The self-righteousness may be mutually irritating for a time but its impact and relevance should decline as the crisis of early 2003 recedes into the past. There is, however, a fourth serious consideration that will likely have a more profound and lasting impact on the prospects for the transatlantic relationship – and indeed, on the evolution of the global order. It is the possibility that the Iraq crisis was not the cause, but a symptom, of transatlantic discord, that the Iraq crisis did not produce but revealed and highlighted large and fundamental divergences across the Atlantic in perception, preference, and priority. Even before the Iraq crisis, many feared, many predicted, and many believed that they detected signs of basic transatlantic divergence. [20] But the travails and fights of the last year have made it clear that there are wide and contradictory differences of view evident within the transatlantic community. It is important to point out that these different perspectives do not map simply as Europe versus America. Obviously, within the United States there are plenty of critics of the Bush Administration's foreign and security policy, just as there are those in Europe who are in sympathy with the policy instincts that prevail in Washington today. Nevertheless, the Iraq crisis laid bare the fact that the policy-dominant worldview in Washington today is considerably different from the dominant worldview that is commonplace throughout much of Europe.

What this suggests is that repairing the transatlantic breach involves far more than overcoming specific disagreements over Iraq. As "The Economist" commented, «If Iraq were the whole story, mending this rift might be simple». [21] From what we have witnessed over the past months, it is far from clear that Europe and American live in the same world, as they perceive it, nor does it seem that they are in substantial harmony about the kind of world in which they would prefer to live. Of course,

there are significant points of overlap in their preferences. But the differences are not only large and consequential, but mutually opaque. As "The Economist" continued, «There exists a widening gulf of incomprehension between the people of America and the peoples of Europe». [22]

To gauge the prospects for the transatlantic relationship, it is necessary first to understand the essential sources of potential discord in the divergent European and American perspectives. And above all it is the dominant views in Washington that must be recognized and understood if the prospects for Euroatlantic harmony and cooperation are to be realistically appraised. What perceptions, preferences, and priorities of the Bush Administration are potential or likely sources of transatlantic misunderstanding and disagreement?

The answer to this question comes in seven parts.

Overwhelming priority to a war of indefinite duration

America is at war. Or at least the Bush Administration is. Since the attacks of September 11, 2001, the war against terrorism has been the overwhelming and decisive consideration in shaping America's external policies. For President Bush, 9/11 represented both the decisive test of his presidency and a historic challenge to his generation of political leadership. The President and his close circle of advisors immediately and unanimously judged that the President's political fortunes and his place in history would depend on his responses to 9/11, for good or ill. [23] This was his defining moment and he resolved to rise to the challenge. By all accounts, the global war against terrorism has been the President's consuming passion ever since.

But 9/11 was more than just a major political and security challenge to the Bush Administration. It was a paradigm shattering event, one that caused the President and many in his administration to look at the world in an entirely different way

or, in some instances, to conclude that long-held views were now urgently relevant. «This is a new world», the President said in one of the early meetings after 9/11, urging his advisors to offer him new and bolder options. [24] More than 18 months later, looking back on the evolution of events since 9/11, Deputy Secretary of Defense Paul Wolfowitz articulated quite explicitly the enormous impact of the terrorist attacks on US policy:

> «The most significant thing that has produced what is admittedly a fairly significant change in American policy is the events of September 11 [….] If you had to pick the ten most important foreign policy things for the United States over the past 100 years it would surely rank in the top ten *if not number one*. It's the reason why so much has changed […]». [25]

Consider the implications of suggesting that 9/11 might be the most influential development in 100 years of American foreign policy. This puts 9/11 on a par with or above the two World Wars, Vietnam, the collapse of the Soviet Union, the formation of NATO, and other enormously consequential events. Whether one or not one accepts the merits of Wolfowitz's claim that a single day of attacks by 19 terrorists may be as significant as a global war stretching over years and killing tens of millions, his is an enormously revealing comment that reflects the impact of 9/11 on the American psyche and illustrates the orientation of the Bush Administration since the attacks occurred. Much of the world reacted with horror to the attacks of 9/11 and understood and supported retaliation against the perpetrators. But for the United States, certainly for the Bush Administration, 9/11 was much more than a terrorist atrocity that needed to be answered. It was a portal through which the United States passed into a different, more menacing world –

and a world, moreover, that required the United States to play a different, more assertive role.

The consequences have been enormous, including the creation of new diplomatic alignments, far-flung military deployments, uses of force in the Philippines and Yemen, wars against Afghanistan and Iraq, and an unrelenting campaign (much of it covert) against Al Qaeda. All of these actions, including the preventive war against Saddam Hussein's regime in Iraq, are viewed as elements of a comprehensive long-term global war against terrorism. All of this, in the Bush Administration's view, flows directly from 9/11, is a necessary consequence of 9/11, and is justified by 9/11. Secretary of Defense Rumsfeld put the point plainly in testimony on Iraq before the Senate Armed Services Committee:

> «The coalition did not act in Iraq because we had discovered dramatic new evidence of Iraq's pursuit of WMD; we acted because we saw the existing evidence in a new light – through the prism of our experience on 9/11. On that day, we saw thousands of innocent men, women, and children, killed by terrorists. And that experience changed our appreciation of our vulnerability – and the risks the US faces from terrorist states and terrorist networks armed with weapons of mass murder». [26]

Rumsfeld brilliantly captures a decisive point: Washington now views the world "through the prism of 9/11". This explains the evolution of US policy since 9/11, explains the war against Iraq, and explains the current US posture toward the world. And the largest perception that emerges when the world is viewed through that prism is that the United States is engaged in a war of indefinite duration. America is at war and the Bush Administration is determined to do whatever it takes to succeed

in that war. In a new world, with a new sense of vulnerability, and a new and overweening mission, Washington has new priorities, new criteria for action, new ways of operating, and new preferences with respect to international order.

By no means is the war in Iraq regarded as the end of the story. On the contrary, it is regarded by some to be simply a necessary early step in an ongoing struggle. William Kristol writes, for example, «The first two battles of this new era are now over. The battles of Afghanistan and Iraq have been won decisively and honourably. But these are only two battles. We are only at the end of the beginning in the war on terror and terrorist states». [27] Similarly, in a speech on July 1, 2003, President Bush stated, «As long as terrorists and their allies plot to harm America, America is at war. We did not choose this war. Yet, with the safety of the American people at stake, we will continue to fight this war with all our might […] Terrorists that remain can be certain of the fact that we will hunt them by day and by night in every corner of the world until they are no longer a threat to us or our friends». [28]

America is at war but the overwhelming majority of its friends and allies are not. Almost no other government views the world more or less exclusively through the prism of 9/11. Most other governments (and peoples) do not share the same sense of threat and vulnerability. Very few other governments believe that the post-9/11 circumstances are so dire that the normal rules and conventions of international order must be set aside. As Javier Solana has commented, «Europeans generally do no believe that the terrorist threat is as dangerous as it is made out to be by Washington». [29] Timothy Garton Ash concludes, «Europeans and Americans don't even see the threat in the same way». [30]

So here is the most elemental trans-Atlantic divergence in perceptions of the world in which we live. The Bush Administration feels that the reality of its war is so obvious and the imperatives associated with this war are so clear that – as

several of its senior officials have publicly stated – it simply cannot comprehend how others can doubt America's purposes and fail to heed those imperatives. Commenting on the opposition of France and Germany to Washington's policy on Iraq, for example, National Security Advisor Condoleeza Rice said: «I'll just put it very bluntly: we simply didn't understand it». [31] This mutual incomprehension has been a massive source of transatlantic discord over the months since 9/11 – especially in connection with the Iraq crisis – and is likely to be a source of trouble in the future.

The preventive use of force is necessary and legitimate

Force is essential to a nation at war. This is obvious and unquestionable. And a party that has been attacked has every right to defend itself. This is an incontrovertible point. As the Bush Administration sees it, the United States was attacked and is at war. Accordingly, force is a necessary and legitimate component of the US response to 9/11.

But the war against terrorism is a different sort of war requiring different approaches. The Bush Administration's strategy is heavily influenced by the lessons drawn from the terrorist attacks – again, the effect of the prism of 9/11 is very strong. The key lesson is that the United States (and indeed the civilized world) is hugely vulnerable to small groups or rogue states who are able to turn modern technology (especially, of course, weapons of mass destruction) to their violent purposes. President Bush has struck this theme on numerous occasions. In his speech at West Point on June 1, 2002, he stated: «The gravest danger to freedom lies at the perilous crossroads of radicalism and technology. When the spread of chemical and biological and nuclear weapons, along with ballistic missile technology – when that occurs, even weak states and small groups could attain a catastrophic power to strike great nations.

Our enemies have declared this very intention […]». [32] From Washington's perspective, this is the central threat of the post-9/11 era. Once WMD proliferation has taken place, the United States is vulnerable to such terrible threats. In Washington, this is deemed unacceptable.

But there is another step in the logic of the Bush Administration's strategy. Hostile parties with weapons of mass destruction – especially terrorists but also rogue states – are able to strike suddenly, covertly, and without warning. The result could be, in some future catastrophe, 9/11 on a larger scale. And the only truly reliable answer to this threat is the elimination of weapons of mass destruction in the hands of hostile parties or the elimination of the hostile parties themselves. And to effectively protect the United States, this must be done before there have been threats or attacks against American soil or American interests. As the Bush Administration's National Strategy to Combat Weapons of Mass Destruction openly states: «We will not permit the world's most dangerous regimes and terrorists to threaten us with the world's most destructive weapons». [33] What follows inexorably is the Bush Administration's doctrine of preemptive (meaning preventive) war. Again, the administration states its conclusions plainly: «We must be prepared to stop rogue states before they are able to threaten or use weapons of mass destruction against the United States and our allies and friends […] To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act preemptively». [34]

In short, the Bush Administration proclaims the intention – and in Iraq it implemented the strategy – to use force when necessary to eliminate potential WMD threats to the United States. Because this is viewed in Washington as anticipatory self-defense, it is judged to be a legitimate and appropriate use of force within the national discretion of the US government. As President Bush's foray to the United Nations demonstrated, Washington may seek and would certainly welcome UN or other

international blessing for its preventive interventions. But the Bush Administration has been forceful in stating that, though UN endorsement may be helpful or politically advisable, it is not necessary. Preventive war, in the current logic, is a national prerogative to be employed when Washington judges that this is necessary. In the Bush Administration's eyes, this is a powerful logic and an unavoidable conclusion from 9/11.

As the fierce debate at the United Nations over war with Iraq demonstrated, many – including many in Europe – simply do not see it that way. To those not in the grips of the prism of 9/11, the American approach appeared to be an argument that self-interested powers should have the right to use force against self-defined potential threats, at times and places of their own choosing – even if, as was true in Iraq, there was no immediately urgent threat that could be plausibly claimed. This seemed to many to be an open-ended legitimization of the use of force, one that deviated from the general norms that had been advanced by the industrial democracies in the decades since World War II. As one American critic said of Bush's preventive war doctrine:

> «The right Bush is asserting really has no limits […] Striking first in order to preempt an enemy that has troops massing along your border is one thing. Striking first against a nation that has never even explicitly threatened your sovereign territory, except in response to your own threats, because you believe that this nation may have weapons that could threaten you in five years, is something very different […] Bush is asserting the right of the United States to attack any country that may be a threat to it in five years. And the right of the United States to evaluate that risk and respond in its sole discretion […] In short, the President can

start a war against anyone at any time and no one has the right to stop him». [35]

Much of the dispute over Iraq was, in truth, related to a more basic disagreement over the circumstances and conditions in which the use of force is regarded as lawful and legitimate. The Bush position produced wide unease because of the precedent it was setting, the damage it was perceived to be doing to existing law and institutions, and because of the complications for global order should the Bush doctrine become the norm. German Foreign Minister Joschka Fischer argued, «A world order in which the national interests of the strongest power is the criterion for military action simply cannot work». [36] UN General Secretary Kofi Annan stated flatly that military action in Iraq outside the framework of the UN Security Council «would not be in conformity with the UN Charter». [37] Annan also argued vigorously – but in the end fruitlessly – that those countries in the world supportive of the rule of law should live within international law themselves: «Every government that is committed to the rule of law at home must be committed to the rule of law abroad. No country should reject cooperation as a simple matter of political convenience». [38]

The point here is not to sort out, much less adjudicate, the legal arguments on both sides of this debate over the circumstances under which the use of force is legal and legitimate. [39] It is simply to suggest that at the heart of the Bush Administration's national security strategy is an assumption about the right to exercise national discretion in the use of force that is highly contested and collides with the beliefs and preferences of many in the transatlantic area. Fortunately, the number of cases in which preventive war is likely are few in number and so this may not be a perennial issue. But any future cases have the potential to be just as contentious as was Iraq. The potential for discord is obvious. And because the Bush Administration regards itself as at war against dangerous and

implacable enemies and because it feels that this war was provoked by the attacks of 9/11, it is frustrated, irritated, even outraged that its policies on the use of force are questioned.

American power is effective and virtuous

It is commonly asserted that the United States, though indisputably in possession of immense and unprecedented power, is nevertheless constrained by the fact that it cannot do everything itself and by the need for international support. Acting alone and relying heavily on military power will, in this view, be too difficult and burdensome to sustain. As one headline in the "Financial Times" put it, «A muscular foreign policy may be too costly for Americans to bear». [40]

After Iraq, however, there exists within the American body politic a palpable confidence in the efficacy of American power. Indeed, an influential strand of thought in the United States holds that the utility of this power can be undermined or constrained only by weak, unwise, or politically unsupported policies of Washington itself. Columnist Andrew Sullivan perfectly illustrates the point:

> «America's technological edge over its friends and enemies – growing in the 1990s into a vast gulf today – needs only one thing to make it as lethal as it has just proven to be: political will and public support. Those two things, as long as this president remains in power, are now in place […]. The only thing that can stop American power now is American resistance, revolt, or restraint». [41]

Where critics on both sides of the Atlantic emphasize the limits of American power, the irrelevance of "hard" power to

many of the world's great problems, the intractability of many of the world's hardest problems even in the face of enormous America power, there is a countervailing school of thought (commonly found among President Bush's supporters and among some of his senior advisors) who believe that the United States can remake the world if only it is tough enough, persistent enough, and wilful enough. [42] With appropriately assertive policies and the skilful exploitation of American power, the optimists believe that the worst threats to American security – the axis of evil, at a minimum – can be successfully dealt with. After the Iraq War, the axis of evil is already reduced by one-third. With sustained exertion, the optimists believe, the United States can tackle the world's trouble spots, such as the Middle East, utilizing American power to transform the region into an area more congenial to US (and western) interests. [43] In the aftermath of 9/11, with the US government on a war footing, with the high command of the Bush Administration wholly mobilized to fight the war against terrorism, with the firm and unwavering resolve of the President to act in whatever way necessary to defeat America's enemies, the optimists sees an opening for the vigorous application of American power that can dramatically and advantageously refashion the world. Even President Bush, in the taut and tragic early hours after the 9/11 attacks, said in one of the first meetings of the so-called war cabinet, «This is an opportunity. I want a plan […]». [44]

In the prevailing view in Washington, American power is not merely effective but virtuous. President Bush sees the world in stark moral terms and frames the global war on terrorism as a clear-cut struggle between good and evil. This is revealed clearly in his West Point speech (which is just one example among many):

> «Some worry that it is somehow undiplomatic or impolite to speak the language of right and wrong. I disagree […]. We are in a

> conflict between good and evil, and America will call evil by its name. By confronting evil and lawless regimes, we do not create a problem we reveal a problem. And we will lead the world in opposing it». [45]

American superiority is seen as a potent and desirable asset for the forces of good in the battle against evil. As the President Bush wrote in his preface to *The National Security Strategy of the United States of America*, «We do not use our strength to press for unilateral advantage. We seek instead to create a balance of power that favours human freedom». [46]

As the self-proclaimed leader of the good guys in this black and white battle against the forces of evil, it seems inherently true and obvious to Washington that its actions are benign, its intentions are altruistic, and its purposes for the common good. Moreover, acting for good against evil require boldness and sacrifice, not timidity and equivocation. As one analysis put it, President Bush sees «a world that he divides reflexively into black and white, right and wrong, day and night – thinking that inspires him to take risks others may avoid». [47] But as captain of good against evil, Washington has expected that the other "good guys" will be at its side, at least cheering on the American battlers against evil if not joining in the fight themselves. This mentality is at the base of President Bush's view that other powers are "either with us or against us."

This view of American power and its righteousness is scarcely compatible with worldviews that contain many shades of grey. It is utterly incompatible with worldviews that see unrestrained American power as one of the great problems of the current order or worse, that see the United States as a bullying rogue hyper power. It fits awkwardly with worldviews that emphasize the limited utility of the varieties of power (above all military power) that the United States possesses in abundance. It is flatly contradictory of worldviews that identify

the United States as a self-interested lawbreaker flouting international convention to destroy its rivals. This collision of worldviews produces a high degree of mutual incomprehension. In the Iraq crisis, the Bush Administration simply could not believe (and I believe still does not fathom) that some of its close NATO allies were not supporting Washington against Saddam Hussein. In the Iraq crisis, many Europeans simply could not believe that Washington would act with such heedless and undeflectable disregard for the views of allies, the restraints of international legal conventions, and the legitimacy of the United Nations. The Iraq crisis is largely (though not entirely) behind us. This collision of perspectives on American power remains as a durable potential source of mutual incomprehension and discord.

Bush policies are working

Critics of the Bush Administration's foreign policy often claim that Washington's aggressive, unilateralist, force-oriented approach will be unsuccessful or counterproductive. Those skeptical of the current character of US policy tend to believe that the United States will overreach, or provoke backlashes, or alienate allies, or fail to address root causes, or otherwise prove ineffective. Those most severely critical of the Bush Administration's policies believe that it has embarked on a disastrous course, one that undermines international order, damages alliance relationships, provokes potential enemies, and will ultimately be harmful to long-term US interests.

The Bush Administration and its supporters feel, on the contrary, that they have been substantially vindicated by the course of events since 9/11. Critics predicted that war in Afghanistan could turn into a protracted Soviet-style nightmare and that "the Arab street" would rise up if US military power were applied in this Muslim land. Instead, the Taliban regime

was quickly swept away and substantial American military involvement was quite short-lived. Critics predicted the unilateral withdrawal from the ABM Treaty would be a diplomatic disaster, antagonizing Russia, irritating China, and undermining NATO. In the event, international reaction was surprisingly muted and the Bush Administration is proceeding apace with deployment plans that will, in its eyes, give the United States some necessary and desirable protection against missile threats for the first time in decades. Critics predicted that the war in Iraq posed many risks and dangers and could easily turn out to be costly and unfortunate. Though conditions in Iraq remain unsettled, the war was quick, low-cost, and triumphant and – the essential bottom line – Saddam's regime has been destroyed. In Bush Administration eyes, a large threat has been removed at modest cost.

And whatever its critics may think about the Bush approach to the war on terrorism, here too the Administration and its supporters see evidence of significant progress. This is not only due to the destruction of Al Qaeda's infrastructure and the capture or killing of some of its important figures, but to an overall decline in terrorism since 9/11. Again, Andrew Sullivan aptly captures this perspective:

> «In the year after military action in Afghanistan and in preparation for war in Iraq – a process that so many experts predicted would lead to an upsurge in terror and thousands of new Osamas – terrorist incidents actually fell from 355 in 2001 to 199 in 2002. Under this alleged cowboy president, in other words, during what was supposed to be an explosion of Islamist rage at the West, terrorist incidents fell to a thirty-year low. That is a huge, if still-vulnerable, achievement». [48]

Not only supportive pundits but the administration itself offers this interpretation. In his prominent and triumphal appearance on the deck of the aircraft carrier USS Abraham Lincoln, for example, President Bush said, «The war on terror is not over yet it is not endless. We do not know the day of final victory but we have seen the turning of the tide». [49]

Because the war against terrorism is the overarching priority of Bush's external policies, this evidence of a decline in international terrorism is seen as particularly validating. The United States has gone to war against terrorism and the terrorists are in retreat. This is the common interpretation of the policy-dominant perspective in Washington.

No doubt, there are still many (in the United States and even more elsewhere) who believe that the United States will sooner or later have to alter course because its policies are destined to sputter and fail. For the time being, however, the world must reckon with an administration confident (if not cocky) in its views and dismissive (if not contemptuous) of its critics, an administration that is riding high and feeling vindicated by the consequences of its acts. In the areas that it most cares about – reducing threats to and increasing the protection of the United States – it believes that its policies are working and that its critics have been proven wrong. [50]

Growing doubts about NATO

For most of half a century, NATO was the cornerstone of American external policy. It was at the center of the Cold War struggle and a primary preoccupation of Washington. Though NATO was not involved in every aspect of US foreign policy (Vietnam, for example, was never a NATO project), as a general proposition US policy orbited around NATO. Though NATO experienced serious crises, there was at base a profound commitment on both sides of the Atlantic to the health and

perpetuation of the alliance. For Washington, NATO was a major stake and a major asset and whenever possible American leaders preferred to act in concert with the NATO allies.

From the earliest hours after the attacks of 9/11, however, the Bush Administration exhibited a rather different instinct. Its initial concerns were not about getting the NATO allies on board for the retaliation to come or ensuring NATO's centrality in the war that the Bush Administration knew it would soon fight. Instead, the highest officials of the Bush Administration were worried that allies might tie its hands, that unnecessarily including even the closest of friends might slow decisions, complicate choices, and hamper Washington's freedom of action. The deep involvement of allies could, they fretted, "shackle" the United States as it responded to 9/11. [51] Or, as one outside commentator put it, «The US anti-terrorism drive cannot stall around some Brussels conference table […]». [52]

Reflecting such concerns, after 9/11 the Bush Administration did not call a special session of the NATO Council, engage in extensive consultations with NATO allies, or seek to activate NATO mechanisms. It did send Secretary Rumsfeld and Deputy Secretary Wolfowitz to Brussels to provide to European defense ministers briefings whose purpose was to persuade the allies that Al Qaeda was linked to the 9/11 attacks. But overall, NATO was remarkably absent from the debates and priorities of the Bush Administration as it laboured intensively to fashion a reply to 9/11. In Bob Woodward's extensive, detailed, occasionally verbatim, account of the deliberations of the high command of the Bush Administration in the weeks and months after 9/11, NATO merits a total of six mentions in a book of more than 350 pages. (In contrast, Pakistan and Uzbekistan each figure in the account in many dozens of instances, as does Russia). One of the references to NATO is related to a short account of Secretary of Defense Rumsfeld's early career, which included brief service as US Ambassador to NATO. Another is a fleeting report that

Uzbekistan initially sought immediate membership in NATO as payment for its cooperation in the war against the Taliban in Afghanistan. In a third instance Secretary Rumsfeld is quoted verbatim saying the US wanted international help once the war in Afghanistan was going well, but specifically not from NATO: «We'd like three or four countries to go in, not the UN, not NATO […]». [53] These are not indications that NATO was central or important to the calculations of the Bush Administration.

What is particularly surprising about this is that NATO had been instantly and unanimously supportive and had expressed a willingness to help. Indeed, on September 12, 2001, NATO took the unprecedented step of invoking Article V of the North Atlantic Treaty, declaring that an attack on one is an attack on all. On October 2, 2001, when it was judged that there was sufficient evidence to conclude that the United States had been subjected to an attack from abroad, NATO confirmed the invocation of Article V. [54] For the first time ever, NATO had an Article V mandate for military action. This laid the groundwork for a collective NATO military response to the attacks of 9/11. But the operational impact of the Article V decision depended on the United States. As NATO Secretary General Lord Robertson observed at the time, «The country attacked has to make the decisions. It has to be the one that asks for help». [55] Washington did, of course, welcome the support that its NATO allies were offering. But from the public record, there is no indication that the Bush Administration sought or welcomed the invocation of Article V. It is clear, however, that there was little response from Washington. In fact, it appears that this development hardly figured in the Bush Administration's deliberations. In Woodward's account, which provides impressively full insider reportage on the key meetings and discussions, NATO's activation of Article V is barely mentioned. In his eight page description of a meeting of senior Bush Administration officials on September 30, 2001,

Woodward reports that «After a brief discussion of the NATO resolution invoking Article V, declaring the attacks on the United States on September 11 were an attack on all NATO countries, Rumsfeld turned to the idea of a white paper». [56] That is the only reference to the Article V decision in the entire book – and in Woodward's telling it does not warrant even one full sentence.

From those post-9/11 beginnings down to the present moment (with the Bush Administration remaining reluctant to draw NATO into Iraq even in the aftermath of the war, even though most observers believe that additional help is needed to quell the continuing trouble there), Washington has showed reticence about turning to NATO or employing the alliance in its full multilateral form. The explanation for this reticence is the Bush Administration's very different perspective on the role and value of NATO. As it often attests, it continues to see value in NATO and – so far at least – it does not favour the end of NATO. Rather, in a pragmatic fashion, the Bush Administration sees that NATO can be potentially useful and occasionally convenient. NATO has played a helpful role contributing to peacekeeping in Afghanistan, for example. But NATO is no longer always necessary or central to Washington's calculations, and there are now often circumstances when – as illustrated above – it is judged neither efficient nor desirable to draw NATO in.

Washington sees several problems with NATO. First, in terms of decision making, it is viewed as a liability. It is hard enough getting one government to take a clear decision in a timely manner. The prospect of working decisions through a process that involves 19 (and soon 26) formally co-equal partners is likely to be slow, inefficient, and (as the Iraq crisis illustrated) may not produce desired results. Better, then, to retain decision making discretion in Washington – especially in a time of war. Secretary Rumsfeld, for example, has sworn that on his watch US defence policy will not be made in Brussels.

Second, in terms of military operations, the NATO allies are usually not necessary and can be operationally inconvenient (though sometimes politically expedient). A vignette from the Bush Administration's post-9/11 deliberations illustrates the point. At a meeting on September 30, 2001, National Security Advisor Rice is worried about the allies «who were clamouring to participate» in the war against Afghanistan. Rice «did not want to leave them all dressed up with no place to go». But Rumsfeld replied that he «didn't want other forces included for cosmetic purposes. Some German battalion or a French frigate could get in the way of his operation. The coalition had to fit the conflict, not the other way around. They could not invent roles. Maybe they didn't need a French frigate». [57] There was much allied frustration over Washington's reluctance to accept their help, but in the end the Afghan war was predominantly an American operation with only a minor role played by some European forces. But after the war, the verdict in Washington was not favourable. As one source in Washington told a journalist «It wasn't just that we didn't need European troops in Afghanistan. The Europeans were *in the way* in Afghanistan». [58] For such reason, Washington will often prefer to retain both decision making and operational descretion. Working through NATO can, it is thought, increase the transaction costs in both domains and should be avoided when that is likely to be the case.

In short, Washington will use NATO when NATO is thought useful. But as the experience since 9/11 demonstrates, if operating through NATO is expected to be burdensome rather than advantageous, it will be sidelined or marginalized. This has produced transatlantic disgruntlement in the past and could well do so in the future.

More skeptical views of Europe?

Though the European project of integration has over the decades produced frequent indifference from and occasional unease in Washington, in general the United States has been supportive of this exercise, which has increasingly come to dominate the time, energies, and priorities of European leaders. Certainly it has never been broadly threatened by or actively opposed to the development of an integrated Europe.

The crisis over Iraq brought to the fore two developments in US-European relations that could produce more ambivalent, if not downright negative, attitudes in Washington about an integrated Europe. First, at least some in Europe seemed determined to position it as a counterbalance to American power, seeking to constrain the United States and discipline Washington's interventionism. As Josef Joffe puts it in an insightful essay, the Iraq crisis forced Europe's «sly balancing of American power» as evident during much of the 1990's out into the open. As the crisis reached its crescendo, the leading European dissidents – above all France – were acting explicitly as a "counter-power" against American supremacy. [59] «Mr. Chirac wants Europe to be a counterweight to the Americans», "The Economist" wrote matter-of-factly. [60] Commenting on the common desire in Europe to «constrain American power» and the common European preference for an America «willing to temper its unique primacy with respect for the wishes of its allies and for an international rule of law», Philip Stephens argued in the "Financial Times" that «The British Prime Minister believes that the US must be chained into the international system now. Chirac has concluded that the system is not worth saving if it is so blatantly an instrument of American hegemony». [61] The European effort to restrain the United States failed in the Iraq crisis, though it produced delay and diplomatic dislocation. In the future, a more genuinely integrated Europe more genuinely capable of acting as a single

entity can operate more effectively as a counter to American power – this is an implication of the steady movement toward greater integration.

The actions of Europe's opponents of Bush's Iraq policy, in conjunction with the notion that Europe should serve as a counterweight to the American power, has produced some predictable reactions in the United States. Particularly among the neoconservative supporters of President Bush, the result has been a striking growth in hostility to the European Union. Writing of the newly drafted European constitution and the movement toward a United States of Europe, for example, Andrew Sullivan writes, «Americans need to wake up and understand the significance of this new rival to US global power […] It can be a deadweight on US power, as we all saw earlier this year. And its anti-American timbre is unmistakable». [62] To Sullivan, the EU represents a "new threat" to American interests. Such views are for now held only by a minority in the United States, but they are passionately held by a group with close ties to the administration.

The second feature of the Iraq case that has notable implications for US-European relations is that Europe itself was bitterly divided over this issue. This was, of course, damaging for Europe and for at least its near term prospects. But just as importantly, the United States took advantage of this division, indeed, actively encouraged and exploited it. This was illustrated most notably in Secretary of Defense Rumsfeld's memorable comments about the old and the new Europe; the former was causing trouble for the US, but as he emphatically pointed out the latter was largely supportive of Washington. Divisions within Europe give Washington room for manoeuvre, allow it to work with those willing to follow its lead and try to isolate or ignore those who resist US policy.

These two points together – unified Europe as a threat to US interests and a divided Europe as advantageous to the US – can lead to a very different American policy toward European

integration than was evident in the past. Indeed, it can lead to a "radical change" in US policy toward Europe, as Andrew Sullivan has written. Perhaps more hopefully than accurately, Sullivan suggests that in Washington «the emerging consensus is against a unified Europe that would attempt to undermine American global hegemony and in favour of a more a la carte diplomacy that deals with individual European countries on a case-by-case basis». [63] But this notion is not limited to the realm of punditry. American officials have taken to describing US policy toward Europe as "disaggregation," meaning, as "The Economist" interpreted it, «that the Bush administration is increasingly tempted to junk the United States long-standing support for European integration and to move instead towards a policy of divide and rule». [64] If this should become the unambiguous and predominant policy of the United States, the implications for US-European relations are portentous.

Skepticism about instruments and institutions of international order

As a general proposition, European states have been great champions of multilateral instruments and institutions. MEP Glenys Kinnock offers a concise articulation of the common view. «Post-war Europe has built an understanding that multilateralism and strong international institutions, backed by international law and clear global rules, create stability on our own continent and in the wider world». [65] The prevailing view in Europe sees the development of the UN and the enhancement of international law to be key elements of a desirable international order.

The predominant view in Washington today, however, is very nearly the opposite. As Stanley Hoffmann writes in his lengthy critique of the Bush Administration's policies:

> «One aspect of the wrecking operation that the administration has undertaken is worth special attention – the destruction of some of the main schemes of cooperation that have been established since 1945 and are aimed at introducing some order and moderation into the jungle of traditional international conflicts […]. This disdain for international institutions and adoption of a strategic doctrine that gives a prominent place to preemptive war in violation of the UN Charter are all part of a tough new policy of US predominance whose implications are extremely serious […]». [66]

This is, however, not simply a harsh picture painted by Bush critics. Columnist Fred Barnes, a strong supporter of both President Bush and of the war in Iraq, writes of efforts to have the UN play a role in post-war Iraq that "the good news" is that President Bush "regards the United Nations more as a part of the problem than the solution". [67] Indeed, from Washington's point of view, the UN represents problems and impediments more than order and progress. «Conservative critics of the UN» writes James Traub of the "New York Times", «some of whom occupy important posts in the Bush Administration, have long argued that the Security Council is useful only when it accepts American leadership and embraces American interests – which, they would add, is virtually never». [68] Worse, the UN and associated legal frameworks represent useful instruments in the hands of those who would hamstring US power. The rest of the world, complains Max Boot, «Think that the UN and other international institutions can be instruments of containing US power». To buttress the point, Boot disapprovingly quotes former Mexican foreign minister Jorge Castenada, who advocates «ensnarling the giant» in a web of «norms, principles,

resolutions, agreements, and bilateral, regional, and global covenants». [69]

But the United States today is one giant that has little interest in becoming ensnarled and no intention of letting others ensnarl it. Even before the Bush Administration took power, the sentiment against multilateralism was strong enough that United States was absenting itself from multilateral instruments such as the Landmine Convention or the Comprehensive Test Ban Treaty that were judged to be contrary to US interests. But the Bush Administration has enshrined this instinct as a pillar of American policy. Members of the administration have been openly sceptical about arms control, international law, the United Nations, and multilateralism generally. [70]

The Iraq crisis only reinforced Washington's scepticism about multilateral approaches to law and order in the international system. As "The Financial Times" somewhat circumspectly put it, «there is not much sign that the instinctively unilateralist Bush Administration – flush with victory over Iraq – is any closer to feeling comfortable exercising leadership within multilateral forums it mostly regards as nuisances». [71] Thus we have yet another rather fundamental collision between Europe and the United States. Europe prefers a world that Washington finds distasteful. Europe hopes that the world of laws and institutions can be sufficiently potent and robust as to restrain the United States, an outcome that Washington resents and resists. No doubt, in its pragmatic moments the Bush Administration will be prepared to work with and through the UN when this suits its needs. But it will not share Europe's vision of the desirable role of the UN or other international institutions and instruments.

Conclusion: hard realities and the way ahead

American policymakers today live in a different world from the one inhabited by most of their European counterparts. It is a world of menace and war, a world of evil enemies and horrifying threats. Seeing the world through the strikingly influential prism of 9/11, American policymakers have distinctive and powerfully held views about the utility and necessity of force. They have strong and heartfelt views about the utility and morality of American power. They have come to view the core institutions of the transatlantic world, NATO and the EU, with a hard-nosed and unsentimental pragmatism that sees little use or value in partnerships that do not advance the direct and concrete interests of the United States in the war ongoing war against its enemies. And they have come to view virtually the entire apparatus of international order and cooperation as potential impediments to American purposes, as instruments in the hands of those who would restrain American power, and as inadequate barriers to the evil forces that threaten the United States. This distilled core of belief is shared by few other governments in the transatlantic area. Even those who stood with the United States on Iraq diverge considerably from Washington on most of these more fundamental questions.

In terms of international order and the future of the transatlantic relationship, the most crucial question in the aftermath of the Iraq crisis may be this: what lessons did the Bush administration draw from that experience? And the answer, broadly speaking, seems to be that it reinforced all of these (preexisting) impulses. As the Bush Administration sees it, the UN Security Council proved incapable of standing up to Saddam Hussein. The detour through multilateral diplomacy at the UN proved to be a costly debacle. NATO proved to be an unreliable asset, as burdensome as it was helpful. The UN and the EU provided platforms from which America's friends and rivals sought to undermine its policies. And in the end it took

American resolve and American military prowess to unseat the evil dictator in Baghdad.

What world are we living in? What world should we be heading towards? What the Iraq crisis made dramatically clear is that the American and European answers to these questions are very different. This is why the management of transatlantic relations is proving so difficult, despite the existence of important common interests. Even in the context of a common interest, such as preventing the proliferation of weapons of mass destruction, Europe and America see threats differently, prefer different instruments, and pursue different outcomes.

How can Europe and the United States reconverge? Certainly not by offering prescriptions that assume that the Bush Administration will embrace views that it clearly rejects or work to bolster entities whose value it doubts. Europeans may have in inclination to buttress the UN, but this will not get far with the Bush Administration. It may sound good to propose that NATO be restored to its central place in the transatlantic pantheon, but this is not going to be a priority in Washington. It will be fruitless to start with anything other than a completely realistic assessment of what is possible in view of the differences that exist across the Atlantic.

Where to begin? With some small but meaningful steps to detoxify the transatlantic relationship.

First, tone down the confrontational rhetoric. Some statesmanship is in order here. This should be an easy and cheap way to take some of the sting out of a poisonous situation. There is nothing to be gained by prolonging the agony of the Iraq crisis by indulging the temptation to reiterate the correctness of one's own position and to criticize one's opponents. The wounds will heal more quickly and the personal embitterment may fade more rapidly if our leaders can learn to hold their tongues and to value healing over scoring debater's points. Unfortunately, a number of the protagonists in this melodrama score poorly on this count.

Second, guard against the punitive instinct. It is already clear that there is a real temptation to teach the other side a lesson, to inflict a price for the antagonism displayed during the Iraq showdown. Payback in either direction may be gratifying but it is also shortsighted. If there is value to the transatlantic community, if there is advantage in preserving the option of a community of industrial democracies acting in harmony, then getting even comes at a serious price. If great nations are capable of acting with wisdom and generosity toward defeated enemies, as at the end of World War II, then surely long-standing friends and allies can treat one another reasonably and responsibly in the aftermath of a single intense disagreement. But the punitive impulse appears to be quite powerful and is not now being wholly avoided.

Third, focus on pragmatic cooperation where interests converge. The first obvious point here is that everyone has a large stake in a successful outcome in Iraq. Certainly both Europe and Washington prefer a successful democratic transition. With the war in the past, working together to build a successful outcome in Iraq would be a very healthy step in the right direction. But so far, Washington has been reluctant to relinquish control in Iraq or to welcome a NATO or UN contribution. Another area that may be ripe for exploitation is the G-8 10 plus 10 over 10 initiative aimed at improving the safety and security of fissile material and nuclear weapons in the former Soviet Union. This is a crucially important endeavor, one that would make an essential contribution to the prevention of nuclear terrorism. It would be consistent with the Bush Administration's emphasis on the war against terror and very much in everyone's interests, but so far Europe has been slow to provide funding and pursue implementation. Pragmatic actions in areas like these will not wholly bridge the gap in European and American worldviews, tangible cooperation on common interests will narrow the gap.

Fourth, confront the differences in areas where there is potential common ground. For example, both Washington and Europe are strongly committed to nonproliferation. But they often disagree and feud over the threat posed by particular proliferation troublespots. This is not an insurmountable dilemma rooted in basic disagreements. Concerted effort to harmonize threat perceptions within NATO seems feasible and desirable. Similarly, both Washington and Europe wish to see agreements enforced. Effective enforcement – for example, of the NPT – would be in everyone's interest. Again, coordinated efforts within NATO to strengthen enforcement, including the establishment of clear guidelines as to when the use of force is appropriate, might produce much more common ground on which to operate in the next crisis. But so far disagreement has outweighed concerted conclusions.

There are, in short, sensible steps that can be taken to reduce the tension in transatlantic relations. But it is not clear whether they will be fully explored. America today prefers primacy. Europe prefers order. Managing that difference is the great challenge for transatlantic relations in the years ahead.

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RUSSIAN-AMERICAN RELATIONS AFTER THE WAR IN IRAQ

NADIA ALEXANDROVA ARBATOVA

1. The impact of September, the 11th on Russian-American relations

In order to understand better what is going on in Russian-American relations now, we should come back to the post September, 11th developments in Russian-American relations.

The international community has turned out to be lucky that the war in Iraq didn't happen before September, the 11th. The sequence of events is very important. If Iraq had happened before 9/11 after NATO's military intervention in Yugoslavia in 1999, we could have had a new crisis comparable with that in Kosovo.

Russia's positive reaction to the American deployment of fighter aircraft and combat helicopters in Uzbekistan was crucial to air support of the Northern Alliance, to the cooperation of Uzbeks and Tajiks, and consequently to the breakthrough in the anti-terrorist military operation by the middle of November. In addition, and in contrast to the Kosovo crisis, the United States was able to secure UN Security Council authorisation for its military operation as a result of Russian support. In addition Russia was sharing intelligence information, providing air corridor for cargo aircraft and rescue operations, and gave a green light to the US military transit across the territory of Russian Federation from the north to the south.

In spite of its willingness to participate as a real partner and the high domestic risk taken by President Putin in embarking on this partnership, the United States did not make a serious effort to involve Russia on a full-time basis. The partnership was

limited by very selective cooperation. Moreover, the retreat of the Taleban revived the old euphoria, arrogance and temptation to prove that nothing has changed for the United States in its indisputable international predominance. Russia's support was taken for granted, and there was no reciprocation in any of the three areas of concern which existed before 11 September: the growing security gap between Russia and NATO/the United States; economic challenges; and rivalry in the FSU space. No concessions were made on NATO's enlargement to the Baltic states or on the issue of the ABM Treaty. Instead, Russia has been promised by NATO a new body for cooperation with no guarantees that it will not be just a new Permanent Joint Council (PJC). As for the ABM problem, the Bush administration half-heartedly agreed to negotiate further reductions of strategic forces, but Washington does not appear to be interested in radical cuts of nuclear arms.

The agreements reached between Russia and the United States at the May 2002 summit in Moscow, which have been assessed by the Russian political elite as "better than nothing", contain many uncertainties and a great deal of vague wording. They have been built around the US position and only symbolically reflect Russia's interests. One of the US arguments in favour of its withdrawal from ABM was that nuclear deterrence had lost its meaning with the end of bipolarity; but the US-Russia warhead levels of 2,200-1,700 adopted in the new agreement are the best evidence of the fact that nuclear deterrence is still in place. "Black September" did not change this reality, but only expanded the area in which Russian and American interests coincide and where new threats require close cooperation among the United States, Russia and their allies. If the ABM Treaty had been modified but not destroyed, it could have had a positive effect not only on the Russia-US nuclear relationship but on Russian-Western security cooperation as well. Instead, there is a risk that US withdrawal from ABM will undermine non-proliferation of WMD and their means of

delivery, create new difficulties and frictions between Russia and the United States, and increase anti-Western opposition in Russia. Russia's inability to exert a positive influence on the nuclear policy of the United States can be explained by its intellectual weakness as well as by the inefficiency of the decision-making mechanism. To put it simply president Putin didn't get any diplomatic success except for nice words recognising Russia's role in the antiterrorist coalition.

At the same time even this selective cooperation upgraded the level of Russian-American relations. It was all the more so, since for domestic reasons Vladimir Putin could not recognize that his expectations were deceived and on his own part had to praise the Russian-American rapprochement.

2. The Iraq crisis

The crisis over Iraq dealt a heavy blow to the antiterrorist coalition and confirmed the worst suspicions about the US unilateralism. Russia, like Germany, France and China proceeded from the understanding that there was no ground for military intervention in Iraq. «A nation should not send half a million of its young to a distant continent or stake its international standing and domestic cohesion unless its leaders can describe their political goals and offer a realistic strategy for achieving them as President Bush did […] in the Gulf War». [1] The US military intervention during the first Gulf War had a solid legal basis, commonly recognised political goals, a realistic strategy and a broad international support. It was not the case of the last Iraqi war.

The Bush administration's 2002 National Security Strategy has elevated military pre-emption against "rogue states" and terrorists to official doctrine. President George W. Bush put the world on notice that the US would not stand aside as the world's

most dangerous regimes develop the world's most dangerous weapons. [2]

The US evolving grounds for military action against Saddam's regime could not but exacerbate some fundamental questions which still remain unanswered. Is proliferation is a threat per se or only if it is linked with terrorism? But at least three groups of states can be singled out that have very different connections with proliferation and terrorism, not to mention their connections with the individual members of the international community.

First, Israel (the US strategic ally) and India (the latter is mentioned in the paper as the EU strategic partner) who are responsible for the proliferation of nuclear weapons. On the one hand, these states should be a target of criticism and pressure but, on the other hand, they are democratic countries, challenged by terrorists, and have already proven to be Western allies - in the fight with terrorism this seems to be glossed over. Second, North Korea, Iran and Pakistan who both have proven terrorist links and have engaged in proliferation, but who are backed by individual members of the international community out of geopolitical or other interests which seem to be more important to them than the fight against terrorism. Third, countries like Libya, Syria, Algeria (with a strong anti-Western bias) and Saudi Arabia (the US partner in the region) who are linked with terrorism but have no prospects in the field of WMD. Paradoxically enough, Iraq did not fit into any of these groups which, at the same time, does not mean that Saddam's regime could not have presented a threat some day. How to deal with these countries? What are the criteria to define "international outcasts" and political and military pressures to be used against them?

It looks that the change of regime in Iraq was part of a broader strategy of the United States. With the collapse of the USSR and the end of bipolarity which left the US the only superpower in the world, Washington started to search for a new

world mission compatible with its the US status. Since Europe was losing her significance after the end of the Cold War and the removal of the threat of the global conflict, the new mission was embodied in the concept of Wider Middle East:

- with friendly and loyal regimes in Iraq, Syria, Saudi Arabia and Iran;
- and with the American control over oil resources in the region in order to do away with the OPEC monopoly and increase Europe's dependence on the United States.

3. The Russian political elite on Iraq

Like in European countries Russian public opinion was very negative on the US military intervention in Iraq. As for Russian political elite, it was split along two lines. Nationalists and conservatives were anti-American because of their inherent anti-Western bias. Pro-Western spectrum of Russian political elite was split between pro-European part and pro-Bush faction. The latter, mostly liberal economists and the so-called pragmatists who are still suffering from the phantom aches of the past, namely from Russia's loss of her superpower status, were saying in public rather cynically that if the US wanted Russia' support in Iraq, it should pay a good price for this support.

As for "the gift horse" that the US was offering to Russian oil companies, involved in Iraq, very few of Russian oil interest groups believe that the new advantages that the Americans are offering would be better than the premises that they already have in hand from the Iraqis. [3] Even those, who saw that there was an opportunity now for Russia to increase its oil export and to stabilise world oil prices, understood that Russian oil industry doesn't have sufficient capabilities in the long-term.

But in general, there was nothing comparable with the anti-Bush manifestations in Europe. For Russian democratic forces who were against the US military intervention in Iraq it was

inconceivable to take part in manifestations together with Communists and nationalists.

4. What are the lessons of Iraq for Russia and the US?

Having taken the right position against hasty and unjustified use of force, Moscow was too focused on tactical manoeuvres and balancing trying to maintain good relations with everybody. These energetic tactical manoeuvres were a substitute for a real strategy. Russia failed to prevent the war in Iraq and reinstate the rule of international law and the role of the UN Security Council. Russia as well as Germany and France seemed to be too in a rush in re-establishing the UN role in Iraq after the end of military operation thus just legitimizing the war in Iraq.

At the same time there is ground for optimism. The Iraqi crisis resulted in several consequences which are of utmost importance for the international relations in the Euro-Atlantic space of cooperation. First, for the first time Moscow emerged as independent but not anti-Western international factor. Unlike the Kosovo crisis, it has erased the old dividing line between East and the West and, maybe, it can be assessed as a real end of the Cold War. Second, it did away with Germany's traditional complexes, first and foremost with her "emotional dependence" on the US. Third, it showed that Europe at large is dissatisfied with traditional Atlanticism and the leading role of the US. Even in those countries whose leaders supported the US military intervention in Iraq out of fear of losing special relations with the United States, the bulk of public opinion was strongly against this action. Fourth, Russia has become very important in Euro-Atlantic relations.

5. What are the consequences of the American intervention in Iraq for the Bush administration?

First, the idea of democratisation of Iraq turned out to be more difficult than it had been presented in Washington's declarations. The Americans suffer heavy losses every day and lost support of the majority of the local population except for Kurds.

Second, the war in Iraq as it was predicted has become a catalyst for proliferation of WMD.

Third, the mission in Afghanistan is falling apart, and Taleban and Al Qaeda are restoring their influence in rural areas.

Fourth, the international terrorism has been reinforced and Iraq has become a grey zone for terrorist cells.

Fifth, having won the war the US lost peace and somewhat more important – its role of moral-political leader in the world, sympathy and support of public opinion in Europe and Russia.

6. What after?

With the emerging difficulties in Iraq after the end of the military operation the US became more responsive to the idea of the UN participation in the post-conflict evolution of Iraq. American envoys who are visiting Russia are now sending messages to Russian political elite. They are saying that now they understand much better how Russia feels in Chechnya and that the US should not challenge Russia's interests in the CIS space to say nothing about the US interference in her domestic affairs like attacks on oligarchs and independent mass media. They are praising Russia's role «as the most valuable partner of the US, much more important than that of Europe». But regardless of all good words this looks more like a deal than a real recognition of the relevance of Russia after 9/11. Moreover, by demonstrating willingness to cut a deal with Kremlin the

Bush administration unleashes the most conservative forces in Russia which present a threat for Putin's pro-Western foreign policy course.

As for Russia's policy *vis-à-vis* the US, it is a kind of balancing and Kremlin has demonstrated a remarkably strong desire to avoid outright adversarial relationship with the US. At the same time the post-September, 11th experience has reinforced mistrust *vis-à-vis* the US.

Generally speaking there exist three growing gaps which present a threat to the antiterrorist coalition, foremost in Euro-Atlantic space:

1) the gap between Russia's pro-Western foreign policy and her domestic policy based on the concept of controlled democracy;
2) the gap between the US neo-imperial foreign policy and its domestic policy
3) the gap between the EU economic power and its modest military weight.

Russian-American cooperation cannot bridge these gaps: only the EU-Russia partnership could reduce these existing gaps which challenge stability and multilateralism in the post-bipolar world. As the Iraq cooperation has shown Russia and Europe can achieve a lot if they act together. Only the EU-Russia security cooperation can lay the foundation for real multilateralism. Otherwise the options are not encouraging: we shall have to choose between multipolarity which is just a new version of balance-of-power politics or *Pax Americana* which as Iraq has shown is rather *Bella Americana.*

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THE YEAR OF LIVING DANGEROUSLY: US-EUROPE RELATIONSHIP IN 2003

Giuseppe Nardulli [1]

From Castiglioncello IX to Castiglioncello X

The last USPID Castiglioncello Conference was held a few days after the 9/11 terrorist attack to the US. As a participant in that meeting I remember the deep feelings of sympathy we all proved for our US guests and the sorrows for the innocent victims. Those feelings were common to many people in the world. In Europe they were the outcome of many decades of collaboration with the US. The Bush administration has been able to dissipate such a political capital with astonishing rapidity. The shift in the European public opinion has been observed by different surveys. A recent poll realized by the German Marhall Fund [2] shows that 49% of the Europeans judges undesirable that the United States exert strong leadership in world affairs, up from 31% in 2002. Global US leadership is described as desirable only by 45%. [3] A similar inversion of feelings has been noted also in other parts of the world. The rift with Europe however can have a major impact, in particular on NATO. The shift has been largely produced by the divide between the US and the majority of the UN Security Council over the Iraq's war, but other issues played also a role.

This paper examines these dividing issues and the trends in the trans-Atlantic relations.

Iraq: The military and economic costs

The Bush administration deliberately dismissed the objection raised by important European allies such as France and Germany when it decided to go to war in absence of a UN resolution. Clearly it hoped in a quick victory. Anybody knew that the Iraqi Army was no match for the US invasion forces and the outcome of the invasion came therefore as no surprise. The Bush administration appeared convinced that also the war's aftermath would have been a rather smooth affair, while its critics predicted a costly post-war settlement. We now know that not only the former, but perhaps also the latter were too optimistic. The situation in Iraq is increasingly complicated for the US administration and its allies. I leave aside the counting of US and allied victims. The major trouble for the US is the dynamics that has been set in motion. In the South, where the Baathists are less present, the US faces hostile Shiite factions. In central Iraq the Sunni areas are mostly without control. Also in the more stable North there have been suicide attacks, to say nothing of the potential collision line between Kurdish forces and Turkey. In the whole country there is no improvement in basic services and infrastructures. The overwhelming problem appears the lack of security, which affects also the economic prospects. To give an example, due to sabotage current oil exports have declined to $500 million a month, about half of what expected.

The Bush administration is conscious of these setbacks. It has got at the end of 2003 a new UN resolution, although an ambiguous one. Moreover it asked and obtained from the Congress a $87 billion package for Iraq. It is also trying to establish a more representative governing authority. The change in the George W. Bush policy is obviously motivated by the 2004 presidential election and the fear to follow his father

course, from military victory to electoral defeat. November 2004 is however still far. The questions to be presently asked are different. For example: Will a UN involvement be helpful to increase the security in Iraq? Are the funds obtained by the Congress sufficient? Will the Bush administration be able to improve the relationship between the US and its allies?

As to the first question, if a new UN role means a substitution of military presence, it is hard to imagine how a patchy military force could succeed where the US failed and could overcome a guerrilla which is increasingly present on the ground and more and more effective in hitting military and economic and civilian targets. It is obvious that the US wants a US-led international force. Most of the forces now in Iraq are Americans. While other 30 countries have troops, for many of them the presence is only symbolic. One could wonder if a stronger international force will be used to protect the Iraqis or to defend the occupying army against growing national resistance. And it is unclear if a different occupying military force would be more efficient than the US military alone in restoring security in Iraq. Since UN is not respected by the Iraqi people, who do not forget the painful consequences of a decade-long embargo, the UN flag would represent little added value to the coalition. The UN might therefore have a role to play only in the framework of an agreed political settlement in Iraq, a settlement which still looks extremely difficult.

Let us examine the economic costs. According to the Pentagon the costs of the invasion were $45 billions. The after-war costs are much more impressive. The estimated cost of maintaining troops is $4 billion a month. This amounts to $300 billions for a five-year occupation. As to the other costs, according to an estimate, based on post-war UN and US computations, the total economic – not military – costs, would total $200 billions in a decade. [4] The package obtained at the

end of 2003 from the Congress by George W. Bush contains $20 billions to be used for reconstruction in 2004: $6.6 billions to electricity, $2 billions to repair the oil infrastructure; it also includes $5 billions for salaries and equipment to a planned Iraqi army of 40,000. Other $13 billions should be obtained in the same year by oil revenues, if, and it is a big if, the oil infrastructure will be not further damaged by sabotages.

Let us finally consider the last question. The divide between the US and its allies was not due to the insubordination of some European countries, as probably somebody in the administration thought. The rift was originated by different analysis on the role of the United Nations and the international law. A changed attitude of the Bush administration is not motivated by its rethinking of the role of the international laws and institutions and will do little to solve the differences. A stronger role of UN in Iraq may meet the present demands of the US and the position coherently maintained by France and Germany, but I do not think it will eliminate the differences. When Germany and France speak of a major role of the UN in Iraq they talk about "the transfer of power and sovereignty to the Iraqi people", to use a sentence by President Jacques Chirac. And, as I mentioned already, this is a goal which is certainly not in view so far.

Iraq war and trans-Atlantic relations

The failure of the Bush policy in Iraq is matter of concern for everybody, since the danger exists of a disintegration and civil war. This is why not only the US, but also Europe and Russia are so concerned. European countries have to move between opposite dangers. On one side the reticence to get involved in the Iraqi marshes is understandable; on the other they do not want a further deterioration of their relationship with

the US. Another factor affecting European decisions is their impact on the Islamic world. A major consequence of the Bush policy towards Islamic countries will probably be the transformation of an innocuous academic prophecy, the S. Huntington's "clash of civilizations" hypothesis, in a tragic reality. European countries have huge Islamic minorities within their borders. For example Islam is the second religion in France. Therefore the European interest is to have a good and not conflicting relationship with Islamic countries and to favour a moderate Islam in Europe. The consequences of the Iraq war have been so far quite the opposite. They have increased the Islamic radicalism in Middle East. In Iraq terrorists coming from other countries, Al Qaeda affiliates and Ansar al-Islam fighters are now fighting against US. A new generation of future terrorists is breeded.

Another potential source of attrition is the Palestine-Israeli conflict. Differently from what Bush thought, freeing Iraq from Saddam has not given new chances to the peace process in Middle East. The whole Road Map is in a mess. Differently from the Sharon government view that Arafat has to be banished or perhaps killed, the Bush administration should turn to the ancient Palestinian leader to isolate Hamas and avoid catastrophe. There is no sign of this turn so far. Let's hope that, when this change occurs, it will not come too late. Similarly to the Iraq resistance, the protracted struggle in Palestine acts as an incubator for terrorism that can be exported to Europe. This is why in the long run the amateurish style employed by Bush to handle the Israeli-Palestinian conflict is detrimental to the European security and a potential source of new attrition as well.

The differences between the United States and the core of European Union; France, Germany Belgium and Luxembourg (and probably, when Italians get rid of Berlusconi, Italy as well) predated the rift on Iraq, [5] but have been strongly enhanced by

the divide of the Security Council on Iraq. On the basis of the previous analysis it is unlikely that the rift can be shortened in the short term. A likely consequence will be a serious damage to the trans-Atlantic relations and the Atlantic Alliance. This is not the place to discuss this point in detail, but let me remind an immediate consequence of the divide, i.e. the proposal of a unified military EU command centre in the mini-summit of France, Germany Belgium and Luxembourg in April 2003. On September 2, Belgium said that it would go ahead with plans to build a European military command headquarter near Brussels, despite opposition from the United States and UK. [6] In spite of more recent developments, weakened relations within NATO are a likely outcome, if the reasons of conflict are not removed.

US and Europe

The US current account deficit for 2003 is $500 billion; the surplus of EU about $60 billion (that of Japan and China respectively $113 and 35 billions). After the interruption of the Clinton's years, the strengths of the US seem increasingly based on its military power. On the contrary Europe is betting on the advantages coming from monetary union and further economic integration. Economic ambitions not supported by military means are politically fragile. There is an increasing awareness of this at least in France and Germany, as discussed in previous section. But leaving aside a common European foreign and military policy, which is certainly a distant goal, also economic strength may be a very effective political factor. As stressed for example by D.P. Calleo, [7] the emerging European power is not the outcome of a planned political construction, but the result of an aggregative growth; therefore so far the problem of the large nation-states belonging to the European Union has not yet been

solved. This is a weakness, of which many commentators are fully aware. It produces incoherence in foreign policy, and cumbersome procedures to achieve consensus. To give another example, the emerging European political structure, as envisaged by the drafted Constitution, may miss clarity and unifying concept. Nevertheless it is adequate to European integration process, whose outcome, hopefully, will not be a superpower, but a loose political confederation with a strong cultural and economic unity.

In any case, as it stands today Europe seems much more in tune with the rest of the world on many issues, from environmental policy to the international law, from social legislation to arms control. To some critics of the US in the third world, the very existence of Europe is a reason of encouragement. For them Europe's economic strengths, together with her method of compromise and mediation, compares favourably with the military power, especially when the latter is not accompanied by adequate diplomacy. There are clear differences among the European states on many issues, but a common political thinking there exists among the original six states of the Rome pact (France, Germany, Italy and Benelux), that incidentally are also at the centre of European economic power. The US makes mistake in encouraging European divisions. This policy can achieve only momentarily successes, but at the cost to alienate US from the inner European core.

Imperialism, balance of power, multilateralism

Italian dictator Benito Mussolini was proud to say: "Many foes, much honour". In a similar vein, the Bushies are afraid of a lack of awe [8] for the US, to use a sentence of one of them.

Reading such a sentence it is impossible to avoid comparison with the words uttered by the Athenians ambassadors to the oligarchs of the small town of Melos when they refused to surrender to the overwhelming forces of the Athenian maritime empire. Thucydides reports this famous dialog in V, 84-116. To the Melos rulers who ask: Would you choose our friendly neutrality instead of our hostility? The Athenians answer: Your hostility is not as harmful to us as your friendship. In fact the latter would be a clear proof, for our subjects, of our weakness, whereas the former is symbol of our strength.

Athens was a radical democracy, as opposed to the rival Sparta: Thucydides' analysis is devoted to the discovery of the mechanism which induced this democracy to become warlike and imperialistic. The explanation was a historical necessity that led Athens first to become too strong, then to exercise an hegemony over her subjects and eventually to transform hegemony into dominion and oppression. We can be doubtful of the historical law of *ananke* (necessity) that the great Greek historian assumed to hold, and we can also doubt that each act of hubris must be followed by its own nemesis. Therefore, as most of the historic analogies, also the comparison between the imperial Athens and the US empire might be misleading. The evolution of the American empire might proceed along lines completely different from Athens. In particular the US society has economic and social needs that are hardly compatible with the overextension of American military presence. Although manipulated by the ruling aristocracy, [9] American democracy is a factor to be taken into account and the US public opinion can change and adopt a less nationalistic and dangerous tone.

However it must be considered that the neo-con clique at power in Washington does not act by alone and has, at present, the support of more realistic leaders, very close to the military

industry, such as Cheney and Rumsfeld, to say nothing of President Bush himself. Why this second group, has forged an alliance with the neo-cons'? An immediate explanation is given by the events of September 11th. A strong answer was necessary and was considered politically productive for an administration touched by the corporate scandals and the weakness of economy. There is however a deeper reason that can be traced back to the political vacuum left by the end of Cold War and the disappearance of Soviet Union. The US administration seems convinced that this vacuum has to be filled by the only remaining superpower, the only state with the military means to ensure stability to the world.

International relations seem to abhor vacuum. Many of us hoped that the empty space left by the fall of the Berlin's wall could be filled by the UN, with a new texture of relations among the member states. It must be said however that the system of collective security embodied by the UN never worked effectively during the Cold War. After the end of the Cold War many hoped that the UN could act more effectively because the situation was changed and the reciprocal vetoes of US and USSR that paralysed UN were no more expected. The reality was however different because the UN lacked the military structure to work in the new scenarios of civil war and internal violence. The conflict in former Yugoslavia was very instructive under this respect. A new and stronger UN structure is strongly needed, but it remains to be seen if the states, especially the permanent members of the Security Council, would agree on limitations of their present powers.

Besides empires and systems of collective security, history offers a third example of structured international relations. It is the *Balance of Power,* i.e. a dynamical equilibrium among different actors whose actions act to balance themselves reciprocally. It was the sort of equilibrium that arose among the

Hellenistic kingdoms after the interregnum following the death of Alexander the Great. A more recent example is given by the European powers, following the Westphalia's peace that closed in 1648 the Thirty Years War. This equilibrium lasted until the Napoleon's quest for a European empire and after his fall still lasted for almost 100 years. It is not synonym of peace, of course, because it is a dynamic equilibrium with changing alliances and shifting positions to ensure that no single power acquires a hegemonic position.

Will future international relations be shaped according the collective security paradigm, with a new major role of UN? Or will an American Empire be established? Or should we interpret the opposition of Russia, France and Germany to the US, before the Iraq war, as the premonitory signal of a future Balance of Power? All these alternatives are possible and since History is not ruled by any iron law, we should act, as individuals as well as collective actors, to push forward our preferred choice.

We cannot exclude the Empire, because strong forces push in this direction. To summarize: First, the overwhelming military strength of the US, matched by its technological, scientific and cultural hegemony; second, the vested interests of the Pentagon and the military industry. One can imagine two versions of the Empire. The first one is more benign. It is motivated by ethic and by the desire to extend Human Rights everywhere. To a Machiavellian or Hobbesian cynic this might appear a hypocritical way to affirm American superiority disguised by ethical motivations. It is not necessarily so, because also ideas have their own strengths and ethical motivations have been recurrent behind American foreign policy, from W. Wilson down to Bill Clinton. In this version the Empire can have the support of most of the progressive European parties, and some of the European rightist political parties. The second version of the Empire is that of the neo-cons' and the Bush Administration.

We discussed it already. It seems imagined with the specific aim to alienate sympathies for America abroad (except perhaps Israel, the only country, besides USA, the neo-cons' take care of). Thus far these undesired results have not changed the Bush policy despite some change of attitude towards the UN. The change seems only cosmetic and it is unlikely that the driving forces pushing towards an aggressive version of the Empire will be arrested by this president. It must be said however that the costs of the Empire are very high and American people can well decide for a different policy, more careful of the big social problems the US has at home. Withdrawal could be therefore a solution spontaneously chosen by the US.

This leads us to the Balance of Power scheme. This is probably what President J. Chirac has in mind when he talks of multipolar world. At the moment this seems unrealistic, for the extreme weakness of all the other actors. But this weakness, at least for Europe and China is only military. From an economic point of view these are emerging powers and especially so for Europe. China is less relevant economically, but has the advantage of political unity, which still is missing to Europe.

Should one desire Balance of Power as an overall scheme for World Security alternative to Empire? Or a system of collective security should be preferred? I have no definite answers. From one side Balance of Power produces only a precarious equilibrium. Historically it was not able to ban wars, and wars, in a nuclear era, are too dangerous to be accepted as a reasonable way to settle controversies. On the other hand, even though a major role of the UN is certainly desirable and the UN system of collective security should be reinforced, it remains to be seen if this institution will be able to reform itself, thus producing a more representative board, including big countries now excluded from the Security Council, and without anachronistic veto powers. Therefore if the bid for an American

Empire will fail, Balance of Power could eventually prevail, independently of the actual desires of the international actors and in spite of the risks that accompany it. If this is the outcome, one perhaps in a future day will say that once again Reason used one of its unpredictable tricks.

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1. The talk presented at Castiglioncello was edited by the author in March 2004, to take into account some new developments.

2. Published on September 4th, 2003 by International Herald Tribune.

3. Looking at the different European countries one does note in general differences between the government position and that of the public opinion. For example, the percentage describing as undesirable a strong US leadership climbs to 70% in France, but only to 34% in Poland, which reflects the positions of the two governments. The only exception is Italy, where, in spite of the support given by the Berlusconi government to the Bush administration, 50% of the public describes as undesirable a global US leadership, up from 33% in 2002. The most dramatic shift is in Germany, where US critics passed from 27% in 2002 to the present 50%.

4. D. Hepburn, *Nice war- here's the bill* International Herald Tribune, September 4, 2003.

5. Other important points of disagreement are for example the Kyoto protocol or the international justice court.

6. C.S. Smith*, EU military to get a home base*, International Herald Tribune, September 4, 2003.

7. See the new edition of his book: *Rethinking Europe's future*, Century Foundation/Princeton University Press.

8. Expressions like these ones are common among the neo-conservative clique which is the inspiring force of most of the foreign policy choices of the

Bush Administration. In particular *Financial Times* March 22-March 23, 2003 (G. Dinmore, *Hawks set out bold post-war vision of world*) reported that during a meeting of the American Enterprise Institute in March a conservative think-thank, one of the neo-con, W. Kristol, said that the failure of the first Bush Administration to finish the job in Iraq in 1991 resulted in "a lack of awe for the US" in the Middle East, which encouraged Al-Qaeda. In the same meeting R. Perle said that *the fall of Saddam would be an inspiration for Iranians seeking to be free of their dictatorial mullah.* Another neo-con participating in the meeting, Michael Ledeen, claimed that the conflict is part of a "longer war" and such terrorist sponsors as Iran and Syria knew that. According to Leeden, France and Germany insisted on "shoring up tyrannical regimes" and this should be remembered by the US. Therefore, when Perle asserted in that meeting that "American are not vindictive", Leeden in context of France said that he hoped they were. As for the UN, the opinions were unanimous; Kristol said the UN did not matter much, Perle that "its time has passed".

9. See the detailed analysis on the persistence and enlargement of the great American fortunes contained in K. Philipps, *Wealth and Democracy*, Broadway Books, New York, 2002.

FROM THE BACKYARD: LEGITIMACY, CONFLICT AND OPPORTUNITIES IN LATIN AMERICA

HUGO ESTRELLA TAMPIERI

Levels of analysis

To analyze the prospective of conflict in Latin America, there is a basic assumption to be made, and that is the dominant role played by the United States of America as the self appointed leading country in the region. After the collapse of colonialism, and the end of European led commercial exchange, particularly after WWII, the US remained as the only dominant power in almost the whole region. Except for the case of Cuba, and the interference of the USSR in Cold War times, supplying arms and training in some conflict regions, particularly Central America, little challenges were placed to this relation. However, the aspiration of a greater degree of self rule in almost every country was expressed along the years of democratic governance that were, in almost every case, suppressed by military dictatorships or authoritarian regimes. Those democratic attempts to advance more fair economic situations and participatory democracies, were usually regarded as a dangerous deviation from the norm. Needless to mention the coup in Chile or the support for the right wing guerrillas in Nicaragua, or the brutal repression in many other countries.

Around the end of the Cold War, a gradual return to democratic rule was seen and received with hope by Latin Americans. So was the case of the end of armed conflicts in Central America. This has taken different shapes in each country, but there are basic conditions for democracies to succeed, and to prevent new conflicts from arising. The three conditions I would like to go through are: political/governance

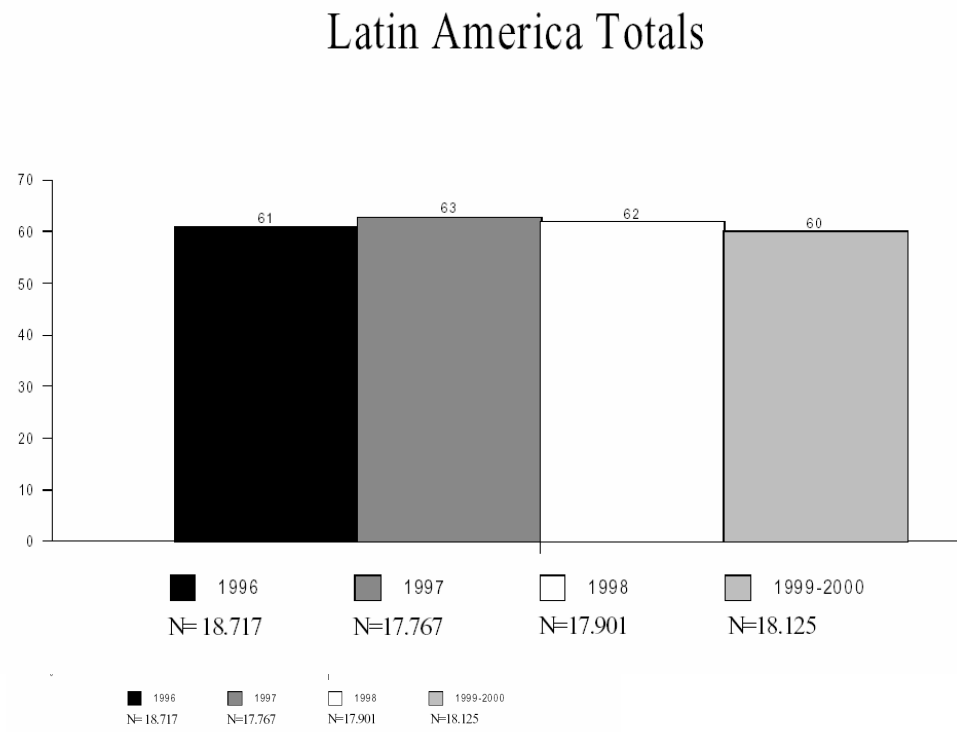
level, social/economic level and the presence and use of weapons.

Let's then analyze each of them, and see how they interrelate, before trying to draw some conclusions.

Governance: a hard task with a lesser support

Democracy has been a long cherished dream for most Latin American countries. From the 1930's on, almost all of them suffered the recurrence of authoritarian/military regimes. Reasons can be tracked from diverse angles, but the growing inequality of our societies nursed internal conflict, that in turn was suppressed by those regimes who regarded it as a part of the global fight between Capitalism vs. Communism. Social mobility, that was associated to the establishment of democracy, was violently suppressed by the intervention of the military. It was well known the case of Samuel Huntington's warnings in the 70's on how to prevent participatory democracies to grow, due to the potential "dangerous" changes they could foster.

From the 1980's on, democratic system was slowly re-established in most countries. The US policy in this respect was, except for the case of Central America – that was still involved in armed conflict until a few years ago – unequivocal. James Carter's administration's concern for advancing Human Rights was partially respected by his successors, who could no longer support the kind of ominous rules of the past. There are yet many wounds to heal, but democracy seemed the legitimate way out of it all. Democracies were particularly popular and strong, at least in the first years. Transition was not easy, and long time postponed social expectations were not fully matched, but still the general sense of openness and growing tolerance made it possible to consolidate such systems.

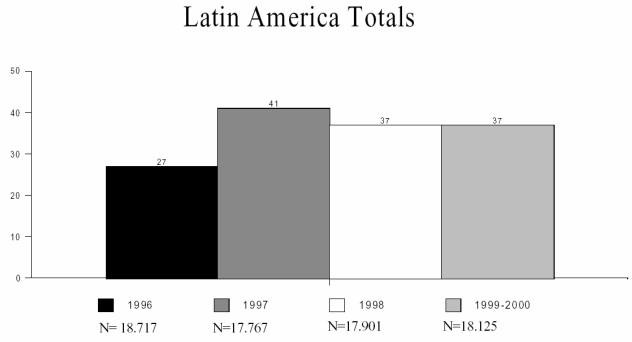


From participation to delegation

Structural economic policies were not able to fulfill popular expectations, and from the time of the end of Cold War, when enormous resources were poured into "emerging markets" solely under the conditions of the "Washington consensus", a growing gap between what people expected from democracy and obtained from it was remarkable.

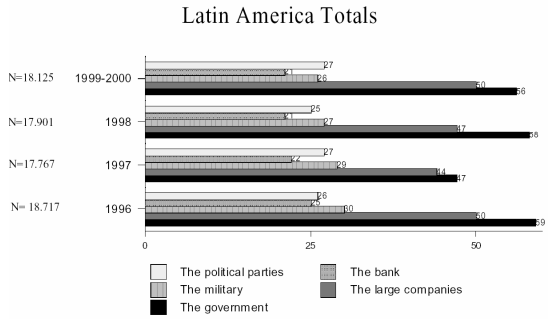
Citizens who once felt the need and desire to participate in common affairs, were slowly gained by deception. We passed from that primary concern for building a plural and inclusive system to a party-based democracy, mainly representative, and later on to a completely delegation of decision making. This situation was characterized by the Argentine political scientist Juan Carlos Portantiero as "Proxy democracy".

Satisfaction with democracy



A huge concentration of economic power in new elites running privatized companies, makes politicians more keen to be blessed by enterprises than by their constituencies, and produces the widespread sense that it was the only way to go. Political parties, before shaped as traditional program-based European parties, slowly turned into plain electoral machines offering little alternative or chances for real changes. This particular kind of democracy, proved growingly insufficient, and went through several national collapses. Venezuela was the first case with the forced resignation of the once extremely popular social democrat Carlos Andres Perez, and the eventual coming to power of the populist/Caesarist Chavez. They were subsequently followed by the self coup of president Fujimori in Peru, social unrest in Ecuador and Brazil – with the case of the MST (landless), Bolivia and the grave situation of Argentina, changing five presidents in one month while people were demonstrating on the streets despite the danger of being shot.

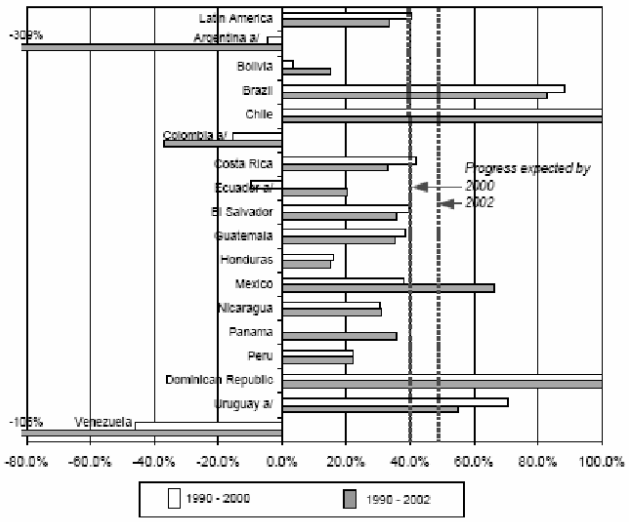
Who has the most power?



Bridging the gap: civil society and political alternative

Privatization, structural adjustment and the disappearance of any trace of *welfare state* not just turned Latin America into an even social unfair region, people had to rebuild structures of solidarity in order to survive. It was a particularly interesting, and encouraging, phenomenon of the so called *explosion* of civil society. Cooperatives, mutual aid groups, open universities, popular libraries and even numerous churches took the task of delivering services once provided by the government. Moreover, large sectors of population once neglected, began striving for legitimacy, and eventually entered the political arena with not minor success. This was the case of the "cocaleros" (native population forced to plant coca by drug lords and persecuted by the government in Bolivia) whose candidate Evo Morales was among the favorites in the past election, or the landless in Brazil who agreed with Lula da Silva in the legality of their claims. In Argentina the "piqueteros" (unemployed people who cut roads to call attention) or the workers who took control of broken factories, making them profitable, are also emerging political

PROGRESS MADE TOWARDS THE TARGET FOR REDUCING EXTREME POVERTY, 1990-2000 AND 1990-2002



Source: ECLAC, on the basis of special tabulations of data from household surveys conducted in the countries.

a/ Urban areas.

actors. They prove that still democracy is possible, no matter how disappointed the majority of population may feel. And their movements have been the backbone of the successful and successive Porto Alegre meetings of the No-Global rich and colorful movement.

Worrisome are the alternative solutions: populism, a recurrent Latin American illness. Authoritarianism and even dictatorship are choices not to be dismissed. Those solutions are likely to happen in the near future, if democracy does not show the ability to match people's expectations and to calm social unrest. Such outcomes, inscribed into the present US administration's which-hunting like policies against a poorly defined conception of terrorism, may drive in the not far future to higher degree of conflict and repression.

Economical aspects

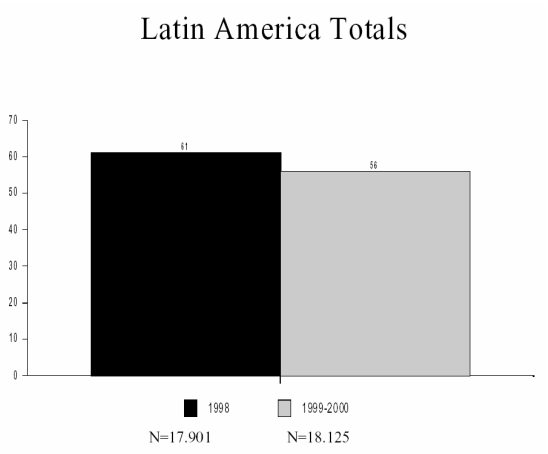
One of the things we are learning to fear, is the time when cash surplus happens in the Northern /developed world. It was the case of the external debt acquisition for Latin American countries, as a result of the exceeding cash deposited in banks following the 1970's oil crisis. The excess of money deposited in banks had to be lent, and it was easily handed to dictatorships in the region, who on turn used it to buy expensive weaponry for their Cold War arsenals. This fuelled an ill circle of debt + weapons transfers + subsidisation of the financial system = increased poverty and conflict.

The 1990's were the second wave of cash, accompanied this time by the new features of "globalisation". Having finished the Cold War, those enormous resources that were allocated in the defence system, were free to move around the world and search for other profitable ventures. It was a time of high expectations for the whole world, and particularly for those who were promised to be receiving those funds, as investment for development.

In 1990, the economist John Williamson coined a famous expression: «The Washington Consensus». What kind of consensus was that? A very particular one, because it was one sided. It was the consensus of the lender, on how to condition domestic policies in Third World countries in order to make them acceptable for this renewed capital flow. The gate for entering globalisation was a very narrow one: it entitled 10 measures of strict structural adjustment, including privatisation, free flow of capitals and profitable interest rates. According to his proponent, they were meant to reduce poverty, end corruption, impede a new socialist wave and promote growth. And no matter the political sign of the government in the developing country, they had to follow the so-called

"consensus", or else be out of the business world, of the chances for refinancing an ever-growing old debt, etc.

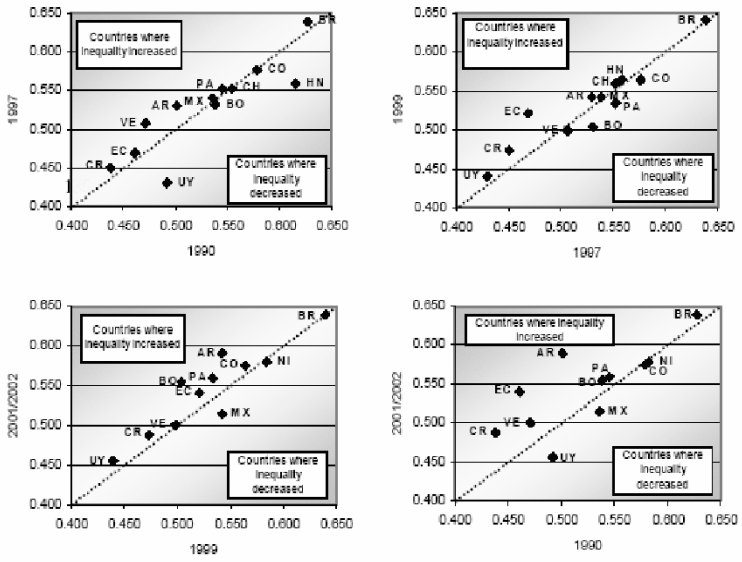
People seems to be in disagreement with basic Washington Consensus (WC) policies such as privatisation:



It proved wrong, absolutely wrong at least for the recipients. We can see the figures of Latin America's economic and social situation after this decade and none of the supposed effects took place, except for the return to socialist policies. On the contrary, free capital flow combined with low taxes and high interest rates proved to be a dreadful combination that led to an enormous increase of debt, the poorest social conditions and a fantastic profit by the already rich, aid the growing masses of poor. Those new poor, on time, were directly expelled from the system, deprived of even the chances of minimal consumption. Such situation was particularly evident in Argentina, the country that most tightly followed the "Consensus" recipes.

Argentina was the only country in South America with an almost self sustainable economy, one of the largest food exporting countries, with energy surplus and well-developed

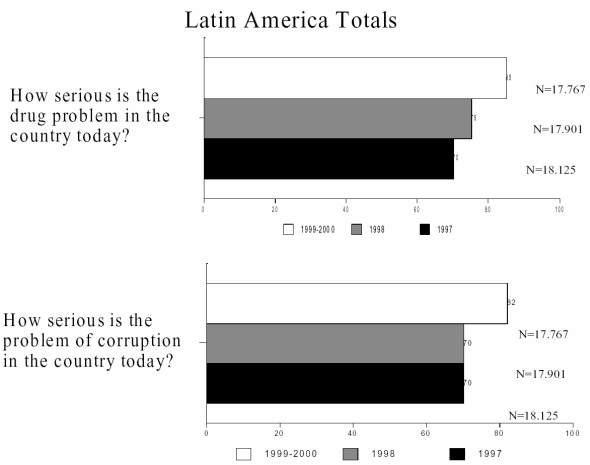
LATIN AMERICA (14 COUNTRIES): GINI COEFFICIENT a/



Source: ECLAC, on the basis of special tabulations of data from household surveys conducted in the countries.

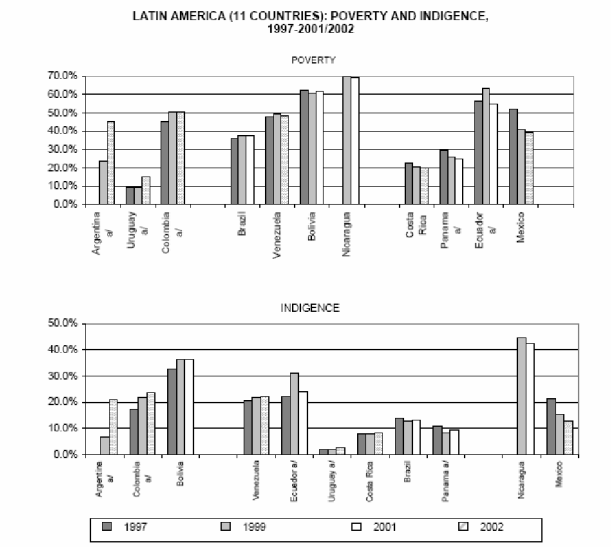
a/ Data for Bolivia, Colombia, Ecuador, Panama and Uruguay are for urban areas. Data for Argentina are for greater Buenos Aires, and data for Bolivia (1990) are for eight major cities plus El Alto.

industry as well as qualified workers and a long established educational system. During the decade of the "Argentine miracle" its President was the only presented in Davos as the leader of a world in transformation, and during the Russian economic crisis of Yeltsin's times, the argentine minister of finance was brought by IMF's officers to show the way to be followed. Corruption was an every day reality, and in order to introduce reforms violence and bribes were used and even a fake MP's voted to pass such legislation. But this was not a concern for international decision-makers monitoring argentine performance. They did not care for the poor performance of our social institutions, or for the lack of accountability of public officials. And instead of concern for the huge amounts that were poured into structural corruption, they cried out for fiscal discipline and cuts in pensions, health care and higher education.



The result was a complete melt down of Argentine economy, one half of the population below poverty line and the arousal of enormous social based conflict. The political system also suffered the crisis that lead to the successive change of five presidents in one month and the outcry for a general resignation of all politicians.

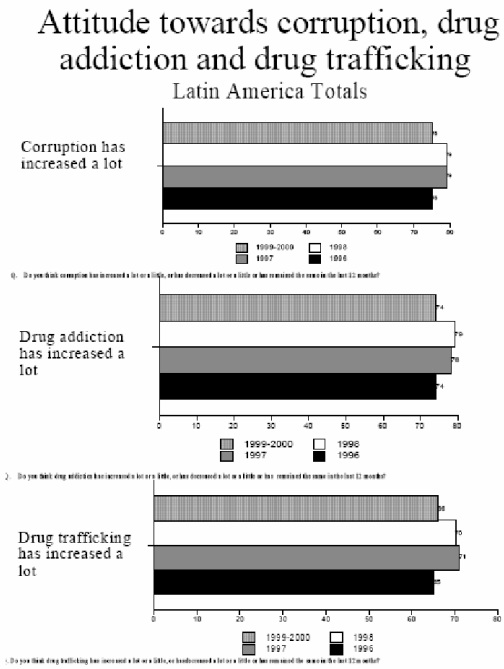
Failure of social care systems and growing inequality have created the conditions for criminality. This, in turn a generalized sense of insecurity and fear, penetrating all sectors of society. People making a living out of garbage are usually seen at sunset in every city, and social support plans distribute a minimal supply of food to thousands of families. But the lack of opportunity is the main source of anger for those who witness how privileged people carry out living standards of luxury, while others have no chance of entering the productive system. This is easily understood by analysing the figures of social development in Argentina. This situation can also be seen in most Latin American countries, particularly those who show a wider gap in terms of income distribution.



Source: ECLAC, on the basis of special tabulations of data from household surveys conducted in the countries.
a/ Urban areas.

Violence and conflict

A political consequence of that feeling of insecurity is the growth of populist politicians who offer security and claim for the hardening of criminal law, especially against the youth. And even the case of torture is again regarded as a "tolerable" punishment for many. These politicians have gained some districts in the surroundings of Buenos Aires city and the North of the country. In Brazil, death squads are a long standing tradition, having killed many people in the past, and even militarised patrols have several times taken control of cities like Rio de Janeiro. But still, corruption, drug traffic and money laundry are regarded as serious concern for enormous sectors of the population, who cannot easily find a political solution to them.



Landlords in rural areas of Brazil have organized bands of paramilitary forces in order to displace populations to use their land as part of larger areas of private enterprises. As a result of their action the MST (Movimento Sem Terra/landless) was born. They have usual clashes with landowners and violence have not been absent.

Colombia has an on going conflict that already lasting for more than half a century. Its characteristics have changed along the years, but now the actors are involved in a struggle that mixes the quest for political legitimacy, social justice, drug traffic, arms trade and corruption. The numbers of this war are really tremendous. Every year about 30,000 people are killed due to the conditions of Colombian turmoil, many thousands are displaced, native populations are forced to work for drug lords. These, in time, divide their loyalty between the insurgence groups and the government backed by the USA. Crops spraying

has also ruined survival planting from the native, who have to move to neighbouring countries in order to escape being caught between fire.

The new right wing government has launched a massive military attack, following the collapse of peace talks. This is backed by the USA as is known as Plan Colombia. Massive violations of Human Rights are witnessed and the conflict seems capable of spreading to other countries. The populist regime of President Chavez in Venezuela is supposed to hold covert support to the FARC guerrillas, that are in control of almost half the Colombian territory. Chavez's support seems to have turned into a more political than practical one. His concern seems to be the prevention of Venezuela's own social unrest to follow the Colombian conflictive path. Being his Presidency regarded by the USA as a part of the "axis of evil" or another kind of enemy, puts him in a difficult situation in case of a conflict escalation. So is the case for Brazil, Ecuador and Peru. The "Colombian model" can be the next step in a renewed wave of US interventionism in Latin America.

Interstate conflict has been exceptional in Latin America, and the last case was the short war between Ecuador and Peru in 1995, at a time when both governments were seeking for internal legitimacy. Intrastate conflict, on the other hand, have been settled in most cases. But demobilized fighters have not found a decent way of living and the presence of large numbers of light weapons in hands of people forced to become criminals in order to survive, makes the panorama even darker.

A serious problem in any case of conflict in Latin America is the number of weapons. The worst scenario is Colombia, where according to a study from the US Institutes of Peace the number of light weapons accounts for around 5 million, meaning one gun for every two to four adult males. The rest of Latin American countries are characterised as *diffusion* of arms, because they are dispersed and recycled through multiple channels to all levels of society. (Andersen et al. 1996).

According to the same study, and other sources like the SIPRI yearbook on light weapons, this diffusion of guns make our countries face a possible "social war" in which the judiciary seems ineffective in protecting citizens. Self defence groups are a growing reality, in some cases with official consent, like what has been repeatedly alleged in Colombia or Brazil. Crime gangs, on time, engage in more and more usual kidnapping, robbery or murder, and the growing use of drugs makes them act in growing violent ways.

Some conclusions to think of:

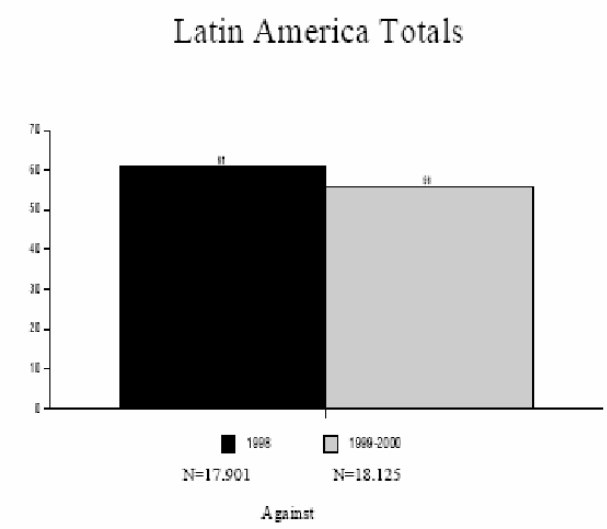
Unstable democracies based on an unfair economic system imposed by the Breton Woods and other financial institutions, are laying the basis for growing social conflict. Such conflict is very likely to become political in essence if democratic governance doesn't give signals of inclusion for new social actors. But lack of legitimacy, corruption and exclusion have proven to be unsustainable, and sooner or later they escalate to violence.

So far, people's support for democracy is strong, despite the lack of solutions they feel in their every day life. They foresee a dark horizon, too. So, unless serious political change with a strong economic shift take place, in order to make Latin American societies "sustainable" in the context of what's understood as Human Security, bad times are ahead. And according to the particular situation of dependence from the USA, who's national interest will certainly be affected by such an outcome, necessary changes in the USA decision makers' mindset are urgent.

A special case of potential intervention is Cuba. After more than 40 years of embargo, the US government must realize that it is not fair neither reasonable or even practical to keep on with that strategy. Vanished the protection given by the USSR in a case of invasion, Cuba faces today more dangers than ever before, since the Bahia Cochinos attempt in the early 60's. However, even though for many of us in Latin America the

Cuban regime is a dictatorship, and lacks many of the freedoms we enjoy in the rest of the continent, it is a matter of respect to condemn any such attempt of attacking a country and a people that have gone through so hard times to survive. Cuban people have been and are regarded as a token of human and political dignity, defying a power enormously stronger. And given the fact that no conflicts are left in the continent with open or covert participation or support from Cuba, except for the ELN group in Colombia as the USA are suspected to back the paramilitary "Self Defence Forces", there is no way of blaming Cuba for any atrocity worth a US invasion.

The feelings of most Latin Americans are still strongly in favour of Cuba, or at least in order to end the embargo:



As Bas de Gaay Fortman has expressed it, it's not just a matter of wealth and poverty. It's basically a matter of distribution. There may be rich and poor, but some levels of wealth are insulting for huge sectors of population forced to live below poverty lines, young men and women forced to live away from the labor market while capable of working decently, and many times already trained and educated. Capital is certainly necessary for development, but development is not unilateral, is not necessarily entitled to ruin culture and environment, and is certainly not just accumulation of wealth in the hands of a few who keep it by force. Argentina followed all the official recipes, and failed, while the same people responsible for the crack were just sitting and asking for more structural adjustment to a people that was already exhausted. They did not react the same way with other crisis: Mexico, in 1994 was supported by a huge amount of money from the US Treasury. So happened with Brazil in 1998. But in both cases US interests were going to be potentially harmed by those events. Argentina doesn't seem to have that potentially harmful effect, and its integration into the regional South American market – MERCOSUR – with Brazil, Uruguay and Paraguay was regarded as a competitor to the US led Free Trade Area of the Americas.

With the latest political shift in Brazil and Argentina, as well as the challenge posed by Venezuela, a growing center left is demanding equality in the Region. The way civil society organizations have grown and slowly given legitimacy to a social struggle that otherwise would perhaps turn into violent upraising, is an encouraging sign of the times we are living.

But the powerful of the world must understand, once and for all, that Latin America is no longer a huge backyard for tolerating injustice and fostering quick greed by forging non democratic alliances. Active policies are required to improve the situation of our people and those active policies are necessarily consistent with a better income and its distribution. The options are not many, and the result we've seen so far is terrible. It is

racist, it is harming for the environment and it's undermining the chances for democracies to last in the whole region.

And needless say that there are many weapons around. Violence as a cycle is recurrent and the change from the 70's on has been depicted by some scholars and activists, like James Cavallaro from Human Rights watch – Brazil: «What has changed is not the nature of human rights violations – torture without marks, murder without corpses – but the victims. Instead of students, leftists or intellectuals, the targets are the poor, "disposable" people like street kids, crime suspects or Indians. And it will go on as long as Latin America fails to come to grips with its past».

The possibilities of conflict must be avoided, for the safety of all, and particularly for those who may be targeted as responsible for such disaster. Not being pro US does not necessary mean to become anti US.

Let's hope US government gains enough wisdom as to avoid those feelings to change for the worse.

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Session IV

Nuclear proliferation in Iran and North-Korea

presentations by
Mahmood Sariolghalam, Ralph Cossa

THE CONCEPTUAL CONSEQUENCES OF THE NEW IRAQ FOR IRAN

MAHMOOD SARIOLGHALAM

Introduction

The process which began since September 11th and led to the removal of the Iraqi Ba'ath regime shows once again theoretical and methodological importance and persistence of the realist school. Although, we are able to witness the appearance of certain other schools of thought in the international relations field for short periods of time, a logic more eloquent, sound and relevant than the realist school and its offshoots has not found any rival. The main reason behind this theoretical soundness lies in the understanding and analysis of international relations according to human nature. Although ordinary people potentially are capable of establishing political systems based on justice within the country, in the context of world relationships and in the circuit of the conflict of interests and policies, it has been, at least to date, impossible to establish an international system based on justice. The conclusion derived from these sentences, hoped to be useful for the policy-makers, is that the political elites familiar with the world history and developments wishing to think on the outside of their countries' borders should reliably and realistically analyze their own and other actors' interests. To realize such an end, resort can be made to understand one's own and other actors' interests within the framework of a culture and society where passions and emotions are minimal and rationality in its peak.

If we want to accept the above-mentioned laws according to Hans Morgenthau, perhaps no political scientist has paid attention as much as Fuad Ajami has done to the passions in the analysis and the preponderance of justice in political

understanding and prescription in the Middle East. Fuad Ajami analyzes the relationship between “personality” and “political outcome” in the Arab world particularly following the establishment of Israel within the past half-century in his outstanding work titled “The Dream Palace of the Arabs”. [1] Fuad Ajami, in his historical studies, examines issues such as the preeminence of passions in the process of understanding, lack of the conversion of thinking to power, not moving beyond philosophical thinking, inattention to the accumulation of power and wealth, unconscious inattention to competition and learning, the rule of the fatalist culture and the problem of processing based on interests.

Although this analysis is true that the energy resources in the Middle East have provided the grounds for the internationalization of the region, the inability of the Middle Eastern political elites to collectively and reasonably resolve problems also plays a crucial part in the condensation of interventions and the determination of the region’s destiny by outsiders. Naturally, it would be much better, if the Iraqi Ba’athist government were removed by the people and the opposition of the government’s conflicts with its neigh boring countries caused it to collapse, but in reality neither the regional forces nor the internal opposition did not emerge as strong enough to remove one of the most inhumane governments in contemporary history. [2] Therefore, at least the Iraqi government was removed through foreign intervention under the pretext of battle against terrorism and after half century in the history of independent movements during the 1950’s, once again the issue of “xenophobia” was born in the Middle East, not just in its political terms but also in its immediate military form. Unfortunately, this the development will overshadow the regional political ideas, and the energy which must be used for “construction” should be applied within the context of “building” and “gaining wealth” will be disbursed in the direction of protest, demonstrations and reactions leading

ultimately to the promotion of the status of passions and seeking justice beyond borders in the understanding of power and interests among Middle Eastern elites.

The fall of the Iraqi Ba'ath regime

The removal of the Iraqi Ba'ath government along with the fall of the Taliban and Slobodan Milosevic was not though realized according to the rules of international law, has brought about important consequences in moving toward the emancipation of nations. The Iraqi Ba'ath government was run by someone who till its fall in March 2003 had left Iraq just four times and as a whole for a very short period. In other words, the opportunity for observation and comparison for Saddam Hussein has been non-existent almost throughout his political life. It is natural that someone like Saddam Hussein who was surrounded by many admirers during his incumbency, was not able to enjoy sufficient mental health to run his country normally according to the balance between realities and possibilities. Today when a 22-year old Iraqi youngster evaluates his/her life encounters the fact that he/she has passed the Iraq-Iran war during childhood, then the Iraq-Kuwait war followed by a decade of impoverishment and deprivation and finally US war on Iraq. Theoretically and practically, it is evident that during the past 22 years, the Ba'athist regime did not pursue any objective other than to preserve Saddam's personal sovereignty. For this reason, if the logic of the rulers' interest does not coincide with that of the general public in a country, it may finally result in catastrophes like those of Iraq, Libya, Cuba and Yugoslavia. On the same token, if the rulers' security coincides with a country's national security, the legitimacy of their performance will drastically increase. For instance, in the circumstances when the European Union meets for several months for granting a $10 million aid to the Palestinian National Authority to help the

Gaza Strip's construction and consequently gain political and humanitarian prestige in international relations, the Libyan government has recently paid around $2.7 billion as compensation for 270 passengers and crew killed in the Lockerbie incident so that it gets out of the US State Department's list of countries sponsoring terrorism. [3] So, the ignorance of a country's political elite would automatically pave the way for alien intervention and exploitation. The nature of the Iraq's political system has been the source of suppression at home and of violence in the outside for more than 30 years and the incompetence of its leaders has played a significant part in further internationalization of the Middle East especially the Persian Gulf during the three wars within three decades. Naturally, the United States has not acted within the framework of humanitarianism in removing Saddam and has pursued its and Israeli particular interests; because if humanism and human rights comprised US objectives, it would have to make attempts to remove tens of dictators in Africa, Latin America and Asia.

What the collapse of the Ba'ath Party's dictatorship in Iraq will bring about for the promotion of freedom and development in the Middle East is not certain. What seems certain however, is a process which will result in the interaction and evolution of the power centers in Iraq. The situation in any country equals the level of maturity in the nature of interaction among the power centers. Conflict of interests, considerable differences in outlooks and external connections of the groups claiming power in Iraq imply that the United States will take utmost advantage of the prolongation of its presence in the country. Iraqi groups have lived separately for decades and have become accustomed to diverse political cultures in the Middle East and the West. Iraq possesses huge human and natural resources, however it faces the problem of how to regulate, assemble and rationalize its political processes. Iraq's progress and stability will be conditional on the successes which lead to the methodological and theoretical consensus reached by the country's instrumental

(political) elite. If the Iraqi groups tend to be maximalist in their demands, they will not be able to reach consensus in statesmanship. The type of interaction among these groups under the current circumstances will take the form of trial and error and learning from one another's objectives and intentions. Naturally Americans are willing to serve as an intermediary in the formation and final codification of the new Iraqi constitution. In the process of such political and legal convulsions, Americans will follow a fundamental end that the future Iraqi government does not permanently and regularly act contrary to Washington's and Tel Aviv's interests. It will not be much important for the United States if the government in Iraq has a semi-religious, semi-Shii, semi-Kurdish and semi-Sunni character. Even, in order to generate a role model and to influence the entire Middle East, Americans may proceed to underpin the structure of a federal state granting anyone a share of power and back "the moderate and pro-West Shiites". The Bush administration (as well as US interests in any US administration) will be concerned with the Middle East in the long-run due to the oil and Israel. Long-term interests have convinced Americans to basically battle "radical Islam", i.e. sort of Islam which ostensibly acts contrary to US interests. Under the existing conditions, the main US objective involves the destruction of Islamic radicalism's military capacity and then inactivate its political and propaganda capacities.

Although it is unlikely that in the near future democratic political culture will appear among the groups struggling for power in Iraq, it is evident that a free political atmosphere and a framework for political competition will be provided in the country. This may take a decade to lead to a stable, legitimate and a reliable political system and to what Westerners are largely interested in, that is a predictable system. If such and assessment is not very optimistic, it will at least generate an important prelude and a constant pattern for the process of political transformations in the Arab world. Given the human

and conceptual resources possessed by the Iraqis, if reasonable international connections are established between this country and foreign environment, its national wealth will be consumed in the direction of development and cultural empowerment.

Developments occurring in Russia during the past decade represent a guiding principle in the process of democratic transformation in the world. A country which delayed the issuance of visas for around 8 months, presently due to the self-confidence gained by the general public and the bulk of rulers has become an open country interested in learning from the international environment. For the first time in Russian history, the development of the individual has been given priority over the ruler's grandeur. Russians have thrown militarism out of window in a way that the share of military expenditures have decreased from 30 per cent to below 5 per cent of the gross domestic product. [4] The former Soviet Union's army held more than 4 million troops, but this number today has been reduced to around 600 thousand. [5] Women own nearly 40 per cent of newly established private enterprises in Russia. In 1991, just half a million of people out of 290 million Russians had traveled abroad and in 2001, more than 5.2 million Russians out of 145 millions traveled abroad and in 2002, Russia produced 7.2 million barrels of oil per day. While, according to Alexander Yakukov, history had never seen such a «concentration of hatred in human being» in the Soviet era, today for the first time after nearly five centuries, Russia has appeared as an open country ready to communicate with and learn from the others, with the minimum militarism and the least threat toward the world population. [6]

Russia's comparative success presents the significance of some influential factors: First, Russian elite and people have made an unanimous decision to pay attention, in the first stage, to economic wealth, public education, and the improvement of construction structure. Second, even under the socialist system, people and political elite were concerned with progress and

industrialization thus the "tradition" of advancement and progress existed in the country's backbone. Third, perhaps for the first time after several centuries of oscillations and within the process of trail and error, Russians have achieved a "long-term definition of life". The most important theoretical consequence of having "long-term definition" of life involves philosophical stability in thoughts and behaviour. Fourth, qualitative change and advancement requires the reinforcement of the level of power in any country. Russians recognized incrementally and it was theoretically verified for them that if political forces and circles in any country do not believe in granting shares to one another in order to increase national power, the entire system could not grow. In the history of development, nowhere in any Western and developing country, political development has taken precedence over economic development. The country in which political realm has taken precedence over economic one faces the preparation and determination of the holders of political power that they should maintain a political share in decision-making for holders of wealth and the private sector. The growth of private sector in Russia and sharing of numerous groups in macro decision-making is among the examples of political maturity in the country.

None of such conditions is found in Iraq and such conditions do not exist even in Egypt and Syria. The absence of political consensus, repressive practices, minimalist definitions of life and the lack of civic tradition of granting shares in decision-making are among the variables that make the process of qualitative change slow in Iraq and pave the way for alien intervention. With the changes happening in the structure of international power leading to the marginalization of China, Russia and present Europe, US decision-making power and coercion have increased in the centers of crisis at the world level. Although economic viability and the expansion of political tolerance in Iraq may provide the grounds for US

success and Washington's construction of a role model, Iraq's political culture attests to the difficulty of such an end to realize. If the Bush administration is reelected in November 2004, attention to Iraq will continue in the US administration's agenda with the US Department of Defense governing foreign policy decision-making. But if the Democrats come to power in November 2004, it is not certain that the issue of Iraq and attachment to its development will persist, as following the removal of the Taliban, many of Afghanistan's problems have remained unsolved. However, from a broader perspective, perhaps the regional consequences of the Iraqi question are not less important than the fall of the Ba'ath regime in the country. Of course, the continuity in the development needs permanent source or sources of momentum. In order to preserve its national security, Israel always seeks to weaken and break down the regional forces and to prevent the totality of power centers. When the degree of understanding and harmony of interests is in its peak between Israel and the incumbent administration in Washington (such as under Sharon and Bush), potential energy for change reaches its maximum in the Middle East as well. For this reason, Israel has taken utmost advantage of the collapse of Iraq and of the destruction of the strongest military structure in the Arab world.

If the convergence of interests between Tel Aviv and Washington continues after the presidential elections in November 2004, the strategy of battle will continue against the military wing of Islamic fundamentalism on the one hand and against its political-propaganda wing on the other. Americans were successful to break down the Ba'ath regime during a very short period of time with a $20 billion expenditure. Following the Kuwait War in 1991, Americans had wielded full intelligence command over Iraq's military and political scenes for more than one decade. For this reason, Rumsfeld has counted the factors for victory as extensive intelligence operation and data-gathering, complicated military hardware,

extraordinarily sophisticated military forces and preparation for affective first strike. [7] Seventy per cent of 17,200 launched missiles to Iraq were undertaken during the first ten days of war whose psychological effects go further than their military consequences. [8] Under current unstable conditions, 1500 US military and technical personnel are tracing and searching for military and nuclear scientists in Iraq. [9] Besides, Americans have declared that they are considering four military airports for activities within Iraq: Baghdad International Airport, Nasseria Airport in the south, Bashur Airport in the Kurdish northern Iraq and western region's airport near Jordan called H-1 Airport. [10] In this way, in the event of future operations in the Middle East, the problems of taking authorization for using military bases will be addressed and the problems surrounding an operation in the future like that of Iraqi war which was performed through 30 military bases in 12 countries will be reduced. [11]

Although such indisputable military, operational and propaganda-psychological capacities undermine the resolution of the adversaries of the United States and Israel in the Middle East or at least force them to maintain dormancy for a while, confrontation between the United States and Israel on the one hand and seeking independence in the Middle East among Muslims will not be eradicated as easily as Americans anticipate. Perhaps the main character of confrontation in its military form is delayed for a while, but political realism of the Middle East and particularly its political culture remind us that the confrontation is of a conceptual nature and since the two outlooks are placed in two political and conceptual poles and are not prone to make concessions, the chances for understanding in the form of theoretical discursive challenges are less likely to happen. In other words, perhaps the main problem for the United States in Iraq is not military victory which was realized relatively easily, but the major challenge involves the institutionalization of peace in the country that will bring about serious conceptual and political consequences for the Middle

Eastern philosophical and geopolitical matrix. US official policy, usually elucidated by Donald Rumsfeld pronounces that although Washington is inclined to delegate self-determination for the Iraqis, the United States will not pursue a hands-off approach. [12]

New regional developments

Following Milosevic's removal, Serbs showed their general willingness to cooperate with the United States. The integration of three East European countries, namely Poland, Hungary and the Czech Republic into the NATO and subsequently to the European Union just a decade after the collapse of Communism in those countries indicate a sort of conceptual consensus for working with the West in that region. Other East European countries, Russia and even Turkey are included in the framework of this political tradition, yet it is not obvious whether such a consensus does exist in Iraq, other Arab countries, Iran, Afghanistan and Pakistan. Working with aliens encounter enormous cultural and psychological disturbances in the regional political culture. For this reason, the term "occupying force" was used in Iraq and the Arab world, but such expressions were never used in the Balkans despite considerable destruction inflicted by the US military.

In the conventional terminology of political science, concepts such as "power", "authority", "compromise", and "reaching understanding" are normal. A politician is referred someone who understands reality and seeks to make it compatible to he or she country's objectives. But a politician has a different meaning in the Middle Eastern political terminology and the main criterion considered for evaluating a politician's performance involves «the extent and degree of he or she resistance» thus in this way he or she garners enormous appreciation. Whereas authority in the conventional terminology

of political science means the capability to enforce laws in the Middle East, it is referred to political domination and coercion from the top to down. While in today's complex world, compromise, moderation and reaching understanding is of a normal character in the interactions among nations and states, in the Middle East they are considered as signs of failure, humiliation and surrender to aliens. If a politician lacks maximalist and 90 per cent outlook in gaining concessions from the other side, he or she will be viewed as a weak politician. It should be noted that James Baker III, US State Secretary under President Bush Sr., negotiated with the Iraqi Vice-Prime Minister Tariq Aziz for 36 days in Geneva to convince the Iraqi Ba'ath government to withdraw from Kuwait. After the failure of the negotiations, US war on Iraq started and not only Saddam failed, but also he brought about a decade of sanctions and impoverishment according to an international consensus for the Iraqis. In the Middle East, individuals follow maximalist or 90 to 10 and 95 to 5 per cent formula even in their social communications.

The theoretical conclusion derived from this discussion is that in the Middle East there is no place for granting shares, thinking based on percentage, and "politics with the logic of trade and business" in political culture. Westerners generally suggest that theoretical bases of this conceptual paradigm are rooted in fundamentalism found in the region. [13] The September 11th events were a turning point which provided the necessary policy-making and propaganda-political pretext within the United States to battle against Islamic militarism and fundamentalism in two low-cost countries, namely Afghanistan and Iraq, though the theoretical bases of this confrontation was designed by Samuel Huntington in his work the "Clash of Civilizations" following the disintegration of the Soviet Union and the resultant theoretical vacuum in US foreign policy. [14] Noteworthy in this work is that Huntington refers to his academic proposal as *The Clash of Civilizations and the*

Remaking of the World Order (by the West). The remaking of the world order by the United States necessitated theoretical foundations which Huntington wrote initially in his article in the "Foreign Affairs Journal" in summer 1993 and then became his renowned book in 1996. [15]

Therefore, a military resolution of problems will not represent US challenge in Iraq as well as in the Middle East. Given the paradoxical cultural and conceptual layers found in each regional country from Pakistan to Morocco, processes of consensus-building are extremely difficult. Unlike societies like Russia, Hungary, the Czech Republic and even China, Malaysia and India where kind of long-term and constant definitions of philosophical, conceptual and political propositions have been crystallized, in the Middle East, the absence of consensus is in evidence. [16] Americans seek rapid outcomes due to the «business culture they have in diplomacy». Usually any US administration is in power for four years and seeks to acquire an acceptable and successful performance in domestic and foreign policies because of party and political pressures. The dominating issue under President George W. Bush is the issue of security and his administration's team of managers and theoreticians were determined not to picture the United States as vulnerable. Meanwhile, taking advantage of the 9.11 opportunity, they wished to institutionalize Washington's unilateralism which enjoyed extensive and record support in the US Senate. Within this context, it was obvious to those familiar with US conceptual bases and the complexities of its domestic politics that military solutions would be placed atop of Washington's agenda. The major issue was not to attack or not to attack Iraq, rather it was to provide political and operational conditions that would serve the United States to reach its unilateral cause. That most of political analyses in our country both before and after the war were wrong is rooted in discussions of our political culture according to which we confuse our wishes and aspirations with political analysis and unconsciously include passions and

emotions in the understanding of political data. Of course, if many of our analysts analyzed the American war in Iraq according to reality, the psychological structure of their minds to which they were accustomed would have been disturbed.

The logic of US political system which seeks its national security, unilateralism and confrontation with its adversaries on the one hand, and the political culture of the Middle East on the other perpetuate the US-Middle East conflict. The posture and matrix of the regional and international forces in the region are far from being finally established. [17] Beyond the US-Middle East conflict, the nature of disputes in the broader scale of the UN Security Council's permanent members have not also been solved and the structure of power in the international system is underway within the political and economic oscillations. At the level of the Palestinian-Israeli conflict, even if the Palestinian National Authority managed by Ahmad Ghorei reaches a relative agreement with Israel within the framework proposed by the United States entitled the "road map", the definite milestone of the resolution of the conflict will lie neither on the paper not in the statesmen's meetings, but in the mentality of Palestinians and Arabs. The issue of Palestinian rights is of a political dimension in Iran while in the Arab world apart from its political aspect, it is a deep psychological issue not only related to the Middle Eastern political culture, but also will deteriorate due to huge socio-economic problems and appearance of more than 80 million Middle Eastern youngsters with limited possibilities during the next 15-20 years. What is apparent is that justice will not be observed in the settlement of the Palestinian question, because justice in international politics is only relevant according to the level of power and is realized in bargaining. The United States and Israel currently and perhaps for some time see themselves in the heyday of power and will seek to extract maximum concessions from the Palestinians with serious vulnerabilities suffered by Egypt, Syria, Lebanon and Jordan and with the simultaneous marginalization of Saudi

Arabia. With divisions among Europeans and Russian oblivion, the US-Israeli axis does not see any rival at the horizon to make concessions to. Naturally the Middle Eastern population's cultural and religious pursuit of justice will not accept such conditions and since these states do not have the leverage to gain concessions in bargaining in the real political realm, protest, this conforming attitude, confrontational policies and unstable situations will continue to unfold themselves. With the removal of Saddam and the delightfulness arising from its military, and more importantly, its political triumph, the United States will not be in a hurry to bring order and stability to Iraq. If we stand on the platform political realism, we may draw such a plan in the short- to mid-term for the Middle East and certain links of the circuits of Iranian foreign policy, national security and economic growth. Given such an inference of the Iraqi and Middle Eastern developments, how can we design a rational and a relative positive horizon of Iran's future?

Conclusion: conceptual consequences for Iran

The project for subverting the Iraqi Ba'ath regime which began with extensive legal, political and operational preparations, was materialized in a relatively short period of time. With the new situation in the structure of power at the international level, it appears that military action against countries not merely for the seizure of countries, but with limited objectives of political pressure has become easy and in a short-to mid-term future will not require legal and international justifications, given the weakness of European countries on the one hand and the irrelevance of international law on the other. As it was predictable, the demonstrations held by various groups including the left and green circles exceeding one million people did not play any significant role in the decisions made by the US administration. Obviously, as an important analytical

foundation, demonstrations do not play a crucial role in making domestic and foreign policy decisions almost in any country; the major guiding principle includes interests and the weight of various sources of interests. The US Ambassador to Egypt, when asked by a CNN correspondent at the beginning of US war on the Ba'ath government that «Aren't you anxious about the public opinion of ordinary people in the Arab world?» suggested: «The US administration does not make decisions to satisfy ordinary people, rather it manages its foreign policy according to US national interests». As a matter of fact, US victory in Iraq established political bases of US unilateralism at the world level, but as it was mentioned earlier in this article, this victory will not be without problems and costs. [19]

It is natural that Americans will try to take utmost political advantage of this military triumph. Including Iran in the triangle of axis of evil by the Bush administration in the State of Union speech on January 29, 2002 displayed the escalation of contradictions between the two countries and the polarization of outlooks and interests. Needless to say, Americans were aware that Iran is not like Iraq and these two countries have significant discrepancies, but from US interests' perspective, Iran and Iraq shared an important feature; both of them are considered as threats to Israeli national security. This author is of the belief that the fundamental conflict between the United States and Iran refers to the question of Israel. Even we can consider the issue methodologically and weigh relevant variables in the confrontation between Iran and the United States it can be suggested in a quantitative manner that almost 80 per cent of US problems with Iran relates to the Israeli question and Israeli national security. That why the United States defends Israel to such amazing degree and even it is ready to resort to nuclear weapons to defend it is a highly complicated question which here we just point out to one psychological-social factor. Traditionally, analysts refer to the financial, media and political influence of American Jews in US governmental apparatus,

while religious base of the Jews is extremely considerable. Among a wide range of Christians belonging to the American Evangelical Church to the extent that a huge number of them politically to the US Republican Party and covering absolute majority of American mid-west states address themselves easily or on religious grounds as "Zionist Christians". [20] What is apparent is that the set of Arab countries and even the huge number of wealthy and professional 7 million strong Muslims in the United States are not able, under existing circumstances, to shift this equation to the benefit of Muslims. Fortunately or unfortunately, interest represents the most important foundation of political analysis. That we say the West lacks honesty perhaps is not a realistic analysis. The United States and Israel do not constitute moral phenomena from which we expect moral behaviour. Simply power is paramount in their existential nature. Even it is not much realistic to expect honesty on the part of political actors even in the countries' domestic scene. Honesty in politics is just expected to be likely extracted from a religious authority and the reality is that morality plays no role in the countries' current domestic as well as international politics. International politics is comprised of a matrix of varying centers of interests which are mainly in contradiction with each other and struggle continuously and vigorously to further gain, wealth and power in a software and hardware confrontations. The power wielded by any actor determines its position in this ruthless matrix. Unfortunately, in politics interest always wins and reasoning is merely a bystander. After the French opposition to US invasion of Iraq, Washington has implemented a range of sanctions against Paris which is its traditional ally and both of them are placed in the same philosophical and conceptual framework. [21]

Therefore, Iran's policy toward the Palestinian-Israeli conflict represents its most important challenge under the new regional conditions. The issue of Iran's nuclear and military capabilities will ultimately attract US attention in the framework

of Israel's national security. The Palestinian question from the internal perspective is not only interpreted as national security subject for the Islamic Republic of Iran, but in some respects, also constitutes an emotional, psychological and historical issue. The quality of intricately and masterfully addressing this issue within the next several years, in a way that does not threaten the country militarily, is conditional on the adoption of complicated methods and policy-making with due attention to domestic and traditional considerations in the Iranian foreign policy. The first stage of US-Israeli strategy after Iraq seems to essentially cut off Iran's regional connections particularly in Syria and Lebanon. If the United States reaches such a goal, Iran's policies on Palestine will take a merely declarative rather than executive shape and Iran's immediate threats around Israel will be eradicated. The next significant issue will be to address the question of Iran's nuclear capacity; an action which will continue with vast political pressures and intensified sanctions. In the international power structure, nuclear capacities possessed just by friendly countries are tolerated; the countries that are not friendly to the great powers and their behavior is not predictable, should not be equipped with strategic superiority. In this direction, the second national security challenge for Iran within the new Iraq and Middle East will be the quality of managing the country's nuclear capacity. The appointment of L. Paul Bremer, the civilian governor in Iraq by the United States makes conditions ripe for Washington to exert political pressure on Iran along the extensive Iran-Iraq borders. Undoubtedly, the Islamic Republic of Iran wields considerable capacities in Iraq both in political and religious terms. The third challenge can unfold itself in this way that to deal with the first two challenges, whether existing possibilities in Iraq will be utilized in the line of confrontation or interaction and/or in Iranian traditional manner in which a degree of strategic ambiguity is kept and such capacities are crystallized in positive and negative, though at the same time, paradoxical behaviour.

Regardless of the question that how the Islamic Republic of Iran manages the two above-mentioned issues in the next several years to eliminate probable military threats against Iran, there remains certain discussions which can be presented in the process of the country's macro management not only about the aforementioned threats, but also regarding the broader trends in the Middle East as well as wider definitions of Israeli interest as offered by the United States. [22] The theoretical foundation on which the following points are based is the significance of dealing with and enriching macro consensus among the power centers on the one hand and the consolidation of domestic institutions on the other in order to permanently eradicate vulnerabilities and foreign threats. Below, the most important points are noted:

1. At the age of globalization, with the increased importance of quality and technology in political management even in the developing countries, Iran is highly in need of a written national strategy. Such document will lead to the creation of kind of consensus on the short- to mid-term objectives within all numerous political currents in the country-which themselves are a valuable asset and a source of legitimacy. A written national strategy would regulate behaviour and policy-making and reduce the existing philosophical controversies to national contentions within the context of policies made;

2. Political thinking and practice has consistently been a phenomenon of short duration in Iran. Long-term view toward thinking and political action in the country constitutes the most efficient way to establish stability and prevent threats. Even in human communications, long-term view toward speech, behaviour and reaction will create a kind of self-control and mutual understanding. Under current circumstances, a considerable time of the country's political elite is allocated to convince each other philosophically. Considering Iran's unique positions and its particular political status, short-term views with the 100 to zero rule of game and matrix do not serve Iranian

people's interests. The criterion for making all domestic and foreign policies has to focus on the advancement Iranian population's life standards;

3. Objective and proper understanding of the events and developments is also of critical importance in policy-making and the administration of the country. Most of the oral and media political comments in Iran imply the prevalence of the analyses characteristic of the Cold War era and the bipolar world system. Drawing on much evidence, many seem not to still believe the consequences of the Soviet collapse and the September 11th effects. As US war on Iraq indicated this fact, a huge portion of the conflict comprised of propaganda and media campaigns conducted with a complicated psychological warfare. Perhaps, the methods, jargons and analyses largely belonging to the independence and decolonization period of the 1950's are not only ineffective today, but also contradict Iran's national interests. Many in our country have been accustomed to traditional methods and analytical frameworks and are not ready to adopt new styles, methods and jargons, and view exogenous developments merely within Iranian endogenous factors and in abstract outlooks. The lack of preparation for embracing change in a period when the pace of transformations not only in the Middle East but also in the entire world is symbolically just calculable through the speed of light, is not beneficiary for a talented and viable nation like Iran;

4. During the past 150 years, the most complex challenge before Iran's development has been how to deal with the West. This challenge continues to exist and has reached increasingly more complicated horizons. On the one hand, Iranian religious and political attachment to independence prescribes distance from the West and then an effective and then a management of a 100 million population in the next 15-20 years demands a kind of rational interaction with the world, on the other. According to the realities of international politics (rather than our justice-ridden and honesty-thirsty minds) the relationships between Iran

and the West are far from equal. Iran constitutes 0.1 per cent of the world economy, and whether we are interested or not, economic and production capacity determines the place of countries at the international level. The major sources of safeguarding independence and immunity from threats and vulnerabilities include stable internal situation on the one side and the strengthening of efficiencies for the general public on the other. If political conflicts are minimized in the country and political elites mainly work to enhance national power and effectiveness, external threats will not be of much effect. Internal disorder per se provides the grounds for foreign influence, domination and interference. Our country requires a multi-faceted strategy to deal with the West. To design this strategy demands theoretically sophisticated persons both familiar with domestic sensitivities and aware of international realities and at the same time the enhancement of the Iranian population's life quality has to become their foremost concern. In this direction, theoretical foundations and practice unfolded by China, India and Malaysia during the past two decades provide us with enormous guides, role models and compass. Iran's mid-term future is highly promising, provided that political stability is established and the country's decision-making network becomes increasingly realist and objective. The recruitment and sharing of objective, specialized and professional think tanks represent the best source for thwarting foreign threats.

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COMBATING THE PROLIFERATION OF WEAPONS OF MASS DESTRUCTION: DEALING WITH THE KOREAN PENINSULA NUCLEAR CRISIS

RALPH A. COSSA

The current nuclear crisis on the Korean Peninsula caused by North Korea's apparent pursuit of weapons of mass destruction (WMD) represents a serious challenge to global non-proliferation regimes and to peace and stability in East Asia and beyond. There is an ominous terrorist dimension to the crisis as well, given substantial evidence that terrorist organizations like al Qaeda would pay dearly to obtain the plutonium and highly enriched uranium that the DPRK alleges that it is already extracting from its spent fuel rods at the Yongbyon reprocessing facility.

As a result, the nuclear crisis on the Korean Peninsula is not just a U.S. or Korean problem; it tests the fabric, if not the foundation, of the global non-proliferation regime and the international community's years of tireless effort to prevent the production and spread of nuclear weapons.

The North's motives and intentions are subject to debate, as are (to some) the origins and causes of the crisis. One point is not debatable: a failure by the international community to speak with one voice in dealing with this challenge will make its satisfactory resolution extremely difficult, if not impossible. More importantly, a failure to deal successfully with the crisis will represent a major setback for the global effort to halt the spread of nuclear weapons and could spark an arms race or further WMD proliferation. Multilateral cooperation is essential since this is a global (rather than a bilateral U.S.-DPRK or North-South) issue that affects regional, if not global security.

The current "diplomatic breakthrough" – in the form of Pyongyang's presumed willingness to continue to meet with the

U.S., ROK, Japan, China, and Russia in a multilateral forum to discuss the crisis – provides cause for cautious optimism. But even if the North Koreans continue to come to the negotiating table – and this is by no means assured – this will represent a necessary but, by itself, still insufficient first step toward actually solving the crisis in a way that serves the broader interests of peace and non-proliferation.

This article reviews the handling of the crisis to date and suggests some approaches that should be considered. It highlights the growing importance of U.S.-ROK-Japanese trilateral cooperation as well as the need for greater multilateral cooperation involving China, Russia, the EU, and others.

It is useful to remind ourselves at the onset that this is a North Korean-induced crisis. It came about because of a deliberate action on the part of Pyongyang – a decision to circumvent the 1994 Geneva U.S.-DPRK Agreed Framework by pursuing a uranium enrichment program – and every major escalatory step along the way has been initiated by the North. This is not to imply that Washington or others could not have handled the situation better. It is to stress that the major provocations and saber-rattling to date have emanated from North Korea. The fact that Pyongyang's nuclear aspirations predate the Bush administration, much less the infamous January 2002 "axis of evil" pronouncement or war in Iraq, indicates that these more recent events, while perhaps stimulating or causing an acceleration of the North's clandestine nuclear activities, are not the cause of this crisis. The cause is North Korea's nuclear weapons aspirations, in direct contravention of numerous bilateral and multilateral promises and assurances.

How we got to where we are

To briefly review, the crisis began with Assistant Secretary of State James Kelly's long-awaited visit to Pyongyang in early October 2002. While the Bush administration claims that it was prepared to pursue a "bold approach" in its dealings with Pyongyang, it first insisted that North Korea honour its previous commitments. Pyongyang reportedly responded to Kelly's allegations of North Korean cheating on its nuclear promises by defiantly acknowledging that it had a uranium enrichment program (although it would later claim that it merely said it was "entitled" to have one, while refusing to either confirm or deny publicly what type of facilities or weapons it actually possesses). While the U.S. preferred quiet diplomacy, Pyongyang immediately became publicly confrontational.

Once the details of the Kelly meeting emerged, Pyongyang first threatened to restart its frozen nuclear reactor and then expelled International Atomic Energy Agency (IAEA) inspectors and began removing monitoring devices and seals from its nuclear facilities at Yongbyon in a blatant attempt to force the Bush administration to the negotiating table. When this did not succeed, the North announced its withdrawal from the Nuclear Non-Proliferation Treaty (NPT) and subsequently threatened to withdraw from the 1953 Armistice, while warning of "World War Three" if the UN Security Council (UNSC) or U.S. attempted to enact sanctions or otherwise try coercion or military force to curtail the North's suspected nuclear weapons program. A few missile launches into the Sea of Japan (pre-announced and not involving the medium- or long-range missiles that would threaten Japan) and an intercept mission against a U.S. reconnaissance aircraft 150 miles off North Korea's coast (which reportedly involved an attempt to force down the unarmed U.S. aircraft) in the Spring of 2003 added to the tensions.

Making matter worse, the North restarted its five megawatt nuclear reactor and other facilities at Yongbyon and, by its own admission, began reprocessing its spent fuel rods. There is some question as to how much (if any) reprocessing has actually occurred; the intelligence is reportedly still inconclusive. If North Korean pronouncements on this issue prove true, however, this would be a dangerous escalation, crossing the "red line" proclaimed by many security specialists and pundits (but not the Bush administration – at least not publicly) while also violating the 1992 North-South Joint Denuclearization Agreement, which Pyongyang conveniently declared to be "nullified" (after announcing that it had begun reprocessing). It also makes the nuclear crisis an anti-terrorism as well as a non-proliferation issue, given terrorist aspirations for a "dirty bomb" or worse.

This is not to imply a link between North Korea and al Qaeda or other international terrorist groups. To my knowledge, none exists. In the past, North Korea has not funded international terrorism, being content to conduct it in-house. But it has also demonstrated a willingness to sell taboo weapons to taboo nations and reportedly has threatened to sell (as well as to develop and test) nuclear weapons as well.

Trilateral cooperation continues despite DPRK efforts

Thus far, the three Trilateral Coordination and Oversight Group (TCOG) partners (the U.S., ROK, and Japan) have been successful in papering over their various differences and generally speaking with one voice on the North Korea nuclear issue. This was immediately evident when then-ROK President Kim Dae-Jung joined President Bush and Prime Minister Koizumi in an October 26, 2002 joint statement calling on North Korea to dismantle its nuclear weapons program «in a prompt and verifiable manner». The Japanese contribution to the

statement was particularly strong, tying Japanese-DPRK normalization talks to the North's «full compliance with the Pyongyang Declaration [...] including the nuclear issue and abduction issue». (The Pyongyang Declaration was issued by Japanese Prime Minister Koizumi Junichiro and North Korean supreme leader Kim Jong-il during their historic September 2002 summit meeting. It also included a pledge by North Korea to honour all its nuclear treaty obligations [...] three weeks before reportedly admitting that it was in fact not doing so.)

The spirit of U.S.-ROK-Japan trilateral cooperation was reinforced at the January 5-7, 2003 TCOG Meeting in Washington when all three parties once again called on North Korea to give up its nuclear weapons ambitions. The Joint Declaration stressed that «North Korea's relations with the entire international community hinge on its taking prompt and verifiable action to completely dismantle its nuclear weapons program and come into full compliance with its international nuclear commitments». The joint pronouncement also included several attempts by the Bush administration to wave olive branches in Pyongyang's direction, first by noting, in writing, that the U.S. «has no intention of invading North Korea» and then by stating that «the U.S. is willing to talk to North Korea about how it will meet its obligations to the international community. However, [...] the United States will not provide quid pro quos to North Korea to live up to its existing obligations».

The subtle difference between *talking to* as opposed to *negotiating with* the DPRK provided Washington with some breathing room in its dialogue with both Tokyo and Seoul and set the stage for one more attempt at U.S. flexibility; namely, Washington's call for multilateral dialogue to address the nuclear situation (since many countries were involved or affected) but with the promise of bilateral U.S.-DPRK consultations being permitted within this larger multilateral context. Washington also stressed that it was prepared to pursue

a previously-promised "bold approach" toward North Korea once it comes back into compliance, in keeping with the TCOG declaration's promise of a «return to a better path leading toward improved relations with the international community, thereby securing peace, prosperity, and security for all the countries of Northeast Asia».

The North Korean response was to completely reject a multilateral approach and to announce its immediately withdrawal from the NPT. Ironically, this hardline, openly confrontational approach by North Korea made the U.S. offer of multilateral dialogue more appealing to all the other concerned parties (including China), as well as more appropriate (since the NPT is a multilateral obligation). This helped set the stage for the April Beijing "multilateral" meeting among the U.S., DPRK, and China – labelled by Washington as "talks about talks" – during which each side was able to express its concerns and positions and to put its views and proposals on the table. As expected, there was not much progress at the meeting and a great deal of controversy over reported off-the-record comments made by the North Korean representative privately to his American counterpart that the North did indeed have nuclear weapons and that it was reportedly prepared to further develop, produce, test, and/or export these weapons depending on Washington's responsiveness to Pyongyang's demands.

From a trilateral perspective, the most significant development since the April meeting in Beijing was the agreement, in Washington, Seoul, and Tokyo, and subsequently by Beijing (somewhat more qualified) that the presence of South Korea and Japan at future talks was "essential". The meetings between President Bush and President Roh (in Washington) and Prime Minister Koizumi (in Crawford, Texas) significantly narrowed the policy and perception gaps between Washington and its two key allies in dealing with North Korea. In both meetings, President Bush and his Asian counterparts reiterated that they «would not tolerate» nuclear weapons in North Korea,

while demanding a «complete, verifiable, and irreversible» elimination of North Korea's nuclear weapons program.

In Crawford on May 23, Bush and Koizumi warned Pyongyang that further escalation will «require tougher measures» against the North. The May 14 U.S.-ROK Joint Statement was a bit more circumspect. While expressing confidence that a peaceful solution could be achieved, the Bush and Roh merely noted that «increased threats to peace and stability on the peninsula would require consideration of further steps». While some might consider this caveat vague, it did represent a ROK acknowledgment that other options might have to be considered, based on continued North Korean escalatory actions. This represented a significant narrowing of one of the major gaps in the U.S. and ROK positions on dealing with Pyongyang.

No "red lines" were proclaimed at either meeting, but the ROK-U.S. Statement did note "with serious concern" the North's statements about reprocessing and its "threat to demonstrate or transfer these weapons". Bush and Koizumi, in their joint press conference, also both stressed that they would not tolerate the transfer of nuclear weapons. Daring Pyongyang to cross lines in the sand may be counter-productive; identifying "serious concerns" sends a useful signal. The mutual recognition during both summits that the ROK and Japan are "essential" for a successful and comprehensive settlement also put Pyongyang on notice that there will be no separate bilateral deal with Washington. The firm position taken by all three parties, and the belated support for this position by first Beijing and then Moscow, resulted, finally, in Pyongyang's agreement to conduct six-party talks.

Six-party talks

The first round of six-party talks, on August 27-29, proved inconclusive, but at least represented a first step toward a negotiated solution to the crisis. For its part, Washington reportedly showed some flexibility at the Beijing talks, while still not budging from its ultimate goal: a complete, verifiable, irreversible end to the North's various nuclear weapons programs. While Assistant Secretary of State James Kelly's talking points have not been released, the Chinese representative, Vice Foreign Minister Wang Li, stated that Kelly asserted that «the U.S. had no intention to threaten North Korea, no intention to invade and attack North Korea, no intention to work for regime change in North Korea». These assurances notwithstanding, Kelly firmly rejected the North's demand that Washington enter into a legally-binding non-aggression pact with Pyongyang.

Having been faced with firm resistance from the other five parties – China, Japan, Russia, South Korea and the U.S. – regarding its "so-called nuclear weapons program," Pyongyang chose to remove the last vestiges of ambiguity, reportedly acknowledging at the talks that it not only had a "nuclear deterrent force" but planned to increase it, as a result of Washington's unchanged "hostile attitude". North Korea's representative, Vice Foreign Minister Kim Yong-Il, also reportedly indicated that Pyongyang was «prepared to prove that it could successfully deliver and explode» nuclear weapons, although the official North Korean version of his remarks does not include this comment. (North Korea had made such claims to American interlocutors before but this is the first time the claim has been made before a wider audience. On a slightly positive note, Kim apparently did not repeat an earlier threat to also export such weapons.)

Minister Kim also directly contradicted the post-conference announcement by Beijing that all six had agreed to follow-on

talks (while promising to not “escalate the situation”), stating that Pyongyang was “no longer interested” in six-way talks and was, instead, accelerating its nuclear weapons program. It is unclear if this represents an official rejection of future talks or is mere bluster, aimed at encouraging Beijing (or others) to provide some additional incentives [read: bribes] to North Korea to ensure a second appearance.

After a six month delay, Pyongyang finally agreed to a second round of talks, in February 2004, at which time all sides once again expressed their views and demands. Little was accomplished, however, aside from an apparent agreement, in principle, to begin working group discussions (no date set) and to meet again, perhaps in June 2004. What remains missing is a sense of urgency among any of the players to move the process along, despite evidence that North Korea continues to pursue a nuclear weapons program as talks slowly proceed.

DPRK motives remain unclear

Unfortunately, it remains unclear at this point what Pyongyang really seeks. Is it merely seeking direct negotiations with Washington, in order to swap (once again) its nuclear weapons programs for increased aid and security guarantees underwritten by a Non-Aggression Treaty? Or, does Pyongyang believe that it must possess nuclear weapons and is determined to pursue this option at all costs, even while pretending to be willing to negotiate if all its demands are met?

What exactly North Korea claimed or admitted to in Beijing and in what context likewise remains unclear. What is clear is that North Korea has been inching ever closer to admitting that it has, at a minimum, a nuclear weapons program, if not the weapons themselves. It’s threat just prior to the August six-party talks to «put further spurs to increasing its nuclear deterrent force» has been interpreted by many as officially coming out of

the nuclear closet although some still saw it as a (slightly ambiguous) bluff. Less ambiguously, North Korea's repeated references to its "nuclear deterrence force" at the August talks provided the clearest acknowledgment to date that it already possesses nuclear weapons. Apparently, even these repeated references to having or increasing its "nuclear deterrence force" have been insufficient to brand North Korea a nuclear weapons state, absent an official declaration or other unambiguous action, such as a nuclear weapons test.

A formal declaration that it is a nuclear weapons state, possibly accompanied by a nuclear test, was feared, but did not occur, on the 55th anniversary of the founding of the North Korean state on September 9. This would have leave Washington with little option other than to push for UN Security Council action against Pyongyang and, most importantly, would give Seoul, Beijing, and Moscow little option other than to finally support this course of action – all currently think going to the UNSC is "premature". (Of note, ROK President Roh Moo-Hyun's National Security Advisor Ra Jong-yil stated prior to the talks that his government would stop all economic assistance if «suspicions of nuclear weapons are confirmed». While one wonders how much more proof Seoul requires, a test or outright declaration presumably would finally force Seoul to end its current policy of denial).

There are, of course, some good reasons the North may want the world, and more specifically the Bush administration, to think that it is a nuclear weapons state. First appears to be the belief – perhaps mistaken – that the possession of nuclear weapons may be an insurance policy against North Korean leader Kim Jong-il's regime meeting the same fate as Saddam Hussein's. This, plus the fact that threats appear to be Pyongyang's leading export, and the only thing that, in the past, has brought hand-outs or garnered North Korea serious attention on the international stage.

But there are also some down-sides. In his inauguration address, ROK President Roh Moo-Hyun stated that North Korea could either enjoy the benefits of South Korean and international trade and assistance or it could go down the nuclear path; it was a clear either-or choice. Russia has also stated that it would be forced to reconsider its opposition to sanctions or other harsh measures if North Korea were to come out of the nuclear closet and China has forcefully warned that such a step would not be in the North's interests. So Pyongyang's challenge is to be specific enough to convince the Bush administration that it has nuclear weapons while being vague enough to not push its neighbors into seeking retribution.

This is a dangerous game, for more than one reason. The great irony is that North Korea already has a sufficient security blanket to keep it from being an obvious target of the Bush administration; namely it's ability to wreck havoc in the South with its massive conventional military forces. That, plus the commitment of the Roh government to a policy of engagement, since any serious U.S. military action against Pyongyang would almost certainly require Seoul's consent, if not approval. But, this restraint could come to an end if the North pushes too far in its nuclear adventurism. And, the threat of North Korea mass producing nuclear weapons, or even highly enriched uranium or plutonium could be the straw that breaks this camel's back.

The consequences of not responding, with sanctions and censure, if not with surgical military force, at some point become less serious than the consequences of doing nothing and thus allowing Pyongyang to produce and possibly export such weapons or weapons grade materials. One of the great ironies coming out of the Iraq experience is that Saddam may have actually curtailed his WMD program in response to UN pressure but purposely impeded attempts to prove this. Saddam apparently wanted the Bush administration to believe that Iraq had WMD, figuring that this provided a security blanket against an American invasion or March on Baghdad. He figured wrong!

The Bush administration has made it clear that its overall policy toward North Korea's nuclear program is unchanged: it seeks a complete, verifiable, irreversible end to Pyongyang's nuclear weapons program and is also intent on preventing the North from exporting any nuclear weapons, materials, or hardware. It also continues to seek a diplomatic, multilateral solution while keeping all options on the table. What happens next remains unclear. As long as North Korea refrains from officially or unambiguously coming out of the nuclear closet (by declaration or by a test), however, the door apparently remains open for continued dialogue, if North Korea is really willing, as it claims, to give up its "nuclear deterrent force" in return for assistance and security guarantees.

The road ahead

North Korea's presumed willingness to attend multilateral talks «to resolve the nuclear issue» is good news indeed. But sitting down at the table, as important as this is, puts us no closer to a resolution than we were yesterday and could make matters worse, rather than better, depending on how North Korea, and the other five (the U.S., South Korea, Japan, China, and Russia), approach the negotiations.

Has North Korea finally seen the light? Has Pyongyang become convinced that cooperating – or at least appearing to cooperate – will be more advantageous than threatening World War Three? More importantly, is it prepared, as it claims, to give up its (real or imagined) nuclear weapons in return for the Bush administrations' promised (but not fully articulated) "bold approach"? Or, will the negotiating table merely provide Pyongyang with one more venue for making its unreasonable demands and one more opportunity to drive a wedge among and between the other participants (and especially between Washington and Seoul)? Are the North Koreans selling peace or

just trying to buy more time? It's too soon to say, but Pyongyang's past behaviour certainly gives us reason to pause and to temper our optimism.

Remember also that North Korea had originally resisted multilateral talks, fearing that the others would all gang up on Pyongyang over its nuclear programs. This may or may not yet prove to be true, but the important thing to remember is that this was more than just Pyongyang's fear; it was also Washington's expectation. The Bush administration has consistently argued that North Korea's nuclear programs are an international, vice bilateral, problem and that the international community must speak with one voice in demanding that Pyongyang take concrete steps toward giving up its nuclear ambitions *in advance* of any real progress on the diplomatic front.

This is where the coalition runs the risk of breaking down. While the other five participants all agree that North Korea must abandon its nuclear weapons program, few fully endorse Washington's timetable and most are more sympathetic than Washington to Pyongyang's demand that it receive economic incentives and some measure of security assurance in return for abandoning its nuclear ambitions. The Bush administration continues to argue that rewarding North Korea for "agreeing to do what it had already promised [in 1994 and on other multiple occasions] to do" means yielding to "blackmail"; something it has no intention of doing. Some compromise seems essential on this point if progress is ever to be made.

Washington's successful attempt at building an international consensus calling for an "immediate, verifiable, irreversible" end to Pyongyang's nuclear weapons program has been largely unappreciated. A great deal of diplomacy went into getting us to where we are today, on the verge of multilateral negotiations, with Pyongyang clearly on the defensive. But are we now prepared to follow through? Are the other members of this ad hoc coalition prepared to back Washington's demands? And what, if anything, is Washington prepared to give in return?

If the multilateral negotiations are to succeed, Washington, Seoul, Tokyo, Beijing, and Moscow must be prepared to insist, with one voice and at a minimum, that North Korea fully, verifiably, and irreversibly freeze its various nuclear weapons programs as a precondition to further negotiations. This requires a return of International Atomic Energy Agency (IAEA) inspectors and the placing of spent fuel canisters (and any extracted plutonium) back under observation. In return, the other members must be prepared to guarantee to Pyongyang that no military strikes will be made against North Korean facilities or its leadership (Kim Jong-il's paranoia seems to be running high these days) as long as negotiations continue in good faith.

Washington should also be prepared, in close consultation with Seoul and Tokyo, and with Moscow and Beijing's concurrence, to lay out a clear roadmap of what it is prepared to offer, and when, in return for North Korea's verifiable cooperative actions (rather than just pledges to act). I would argue that a bilateral U.S.-DPRK Non-Aggression Pact – Pyongyang's precondition to progress – is unacceptable for a variety of reasons. The one most frequently cited – and in my view the least persuasive – is that the U.S. "will not yield to blackmail" or "reward bad behaviour". In truth, any solution (other than regime change) will ultimately reward the North's current bad behaviour. The only question is: will we pay in advance (we won't and shouldn't) or later (with others helping foot the bill)?

Some have also argued that the U.S. cannot make such a deal because the Congress would never approve it. This may be true; the 1994 deal was called the Agreed Framework (rather than the Framework Agreement) to avoid the ratification issue and, as a result, was never legally binding. But, would a Republican Congress really embarrass its leader and reject a deal that President Bush stood firmly behind?

Much more convincing is the argument that we have bought that horse before. What the North is selling – a nuclear

weapons-free Peninsula – was not only purchased by the U.S. in 1994 but by South Korea earlier (the 1992 North-South Denuclearization Agreement) and since (the 2000 Pyongyang Summit Declaration), not to mention by Russia, which built the initial Yongbyon reactors after the North Koreans made a similar pledge to the international community by signing the Nuclear Non-Proliferation Treaty. Fool me once, shame on you; fool me twice (or three or four times), shame on me (and the rest of us). In demanding that North Korea denuclearize, Washington is only asking Pyongyang to do what it has already promised to do – and received payment for doing – several times in the past.

If the deal wasn't unacceptable enough, North Korea's time lines make it even more so. All Pyongyang is willing to do in advance of a pact being signed is to «declare its will to scrape its nuclear programme». Monitoring and inspection can only come later, after the treaty has been signed, diplomatic relations have been established, and Pyongyang has been «compensated for the lack of electricity» caused by the self-inflicted breakdown of the Agreed Framework. Given Pyongyang's track record, why would any nation seriously pursue this course?

Perhaps the most important reason to reject a bilateral agreement is because it cuts Seoul out of the Peninsula peace-making process; a long-time DPRK objective that all previous ROK and U.S. governments have wisely rejected. Signing a bilateral non-aggression pact would violate Washington's 1996 pledge never to pursue (much less sign) any agreement dealing with peace on the Peninsula that excluded Seoul.

Tokyo reminds us of a possible sixth reason as well: If Washington signs a bilateral pact with Pyongyang, does this mean it cannot respond to a North Korean attack against Japan? Japan and South Korea are more likely targets of North Korean aggression than is Washington; both must be included in any non-aggression pact.

A six-party non-aggression pact – or, better yet, a North-South Peace Treaty co-signed by Washington and Beijing (the other primary combatants during the 1950-53 War) and endorsed by Moscow and Tokyo – should be the long-term goal of the current process. The first step in this process, however, must be a complete, verifiable, irreversible end to Pyongyang's nuclear weapons programs. This can only occur if North Korea realizes that its long-term security – if not the current regime's very survival – rests upon its willingness to give up its nuclear aspirations in return for the multilateral security guarantees that remain there for the asking.

In all probability, the Agreed Framework – under which the U.S. promised to provide light water reactors to the North in return for an earlier (violated) freeze in its nuclear programs – is dead. But the Korean Peninsula Energy Development Organization (KEDO), created to implement that agreement, remains in place and could serve as a useful vehicle for overseeing a much broader based program of economic development in the North, once Pyongyang's nuclear programs are ended and verification mechanisms are in place.

All this presumes, of course, that North Korea is sincere about wanting finally to cooperate with the rest of the international community. Given it's past track record, the burden of proof must rest on Pyongyang.

Session V

Proliferation, counter proliferation and unilateralism

presentations by
Bruce G. Blair, Francesco Calogero
and Trevor Findlay

THE LOGIC OF INTELLIGENCE FAILURE

Bruce G. Blair

Introduction

The severe post 9/11 criticism of the U.S. intelligence system for underestimating the terrorist threat to America, and for overestimating weapons of mass destruction in Iraq, would be sharply tempered if critics understood the laws and limits of reasoning. Uncertain threats tend to be misestimated initially, and only repeated assessments can close the gap between threat perception and reality. Even when the strict rules of inductive reasoning are applied to spy data, ten or twenty successive reviews are typically needed to ensure that perceptions match reality.

Critics presume that far fewer assessments should suffice, and accuse users of intelligence with dogmatism if they do not respond with alacrity to the first alarm bells warning of a rising threat, or to the latest report discounting a threat. This criticism implies that intelligence analysts should suspend their prior beliefs and seize upon only the latest intelligence inputs. At the same time, if the inputs prove to be wrong, critics blame intelligence analysts for not seeing beyond the evidence and divining intentions.

While intelligence analysts cannot be psychics, psychology does, and should, figure prominently in the process of interpreting intelligence. Subjective opinion and preexisting beliefs, held by intelligence analysts and users of finished intelligence, including the top national security decision makers, are core elements of reasoned interpretation. The key to success or failure in interpreting intelligence information lies in rationally adjusting prior beliefs to make them conform to incoming intelligence information.

Prior opinion plays a critical role in every intelligence endeavor associated with current national security priorities: avoiding accidental nuclear war, detecting weapons of mass destruction, anticipating terrorist attacks, and preempting America's enemies. The initial bias of decision makers can be a blessing or a curse, but all that we can reasonably expect is that it is properly revised as new intelligence arrives.

An argument can be made that the processing of intelligence followed laws of reason in the cases of 9/11 and Iraq's weapons of mass destruction. Applying a rule of logic known as Bayes' law to these cases shows that the intelligence process produced conclusions that were not only plausible but reasonable.

Avoiding accidental nuclear war

An illustration of the dramatic effect of initial opinion on intelligence interpretation is a hypothetical situation in which top leaders with their fingers on the nuclear button receive indications of an incoming nuclear missile attack.

The most dangerous legacy of the Cold War is the continuing practice of Russia and the United States of keeping thousands of nuclear weapons on high alert, poised for immediate launch on warning. The danger is that false indications of an incoming enemy missile strike could produce a mistaken launch in "retaliation".

The need to react rapidly under the time pressures of incoming submarine missiles with flight times as short as 12 minutes and land-based missiles capable of flying half way around the globe in 30 minutes would be strongly felt from the top to the bottom of the U.S. or Russian nuclear chain of command. In order to unleash retaliatory forces before they and their command system are decimated by the incoming missiles, the early warning sensors (satellite infra-red and ground-based radar sensors) must detect the inbound missiles within seconds

after their firing, and the detection reports must be evaluated within several minutes after they are received. That is the current requirement for the warning crews stationed deep inside Cheyenne Mountain, Colo. Then the president and his top nuclear advisors would convene an emergency telephone conference to hear urgent briefings from the warning team and from the duty commander of the war room at Strategic Command, Omaha, which directs all U.S. sea-, land-, and air-based strategic nuclear forces. The Stratcom briefing of the president's retaliatory options and their consequences has to be accomplished in a mere 30 seconds (a longstanding procedural requirement), and then the president would have between zero and 12 minutes to choose one. A launch order authorizing the execution of this option would flow immediately to the firing crews in underground launch centers, in submarines, and in bombers, and within three minutes, thousands of nuclear warheads would be lofted out of silos toward their wartime targets, followed ten minutes later by many hundreds of nuclear warheads atop submarine missiles ejected from their underwater tubes.

These pressure-packed timelines reduce decision making to checklists, and increase both the likelihood and the consequences of human and technical error in the nuclear attack warning and command system. Ironically, the risk of false warning of an incoming missile attack has actually been increasing since the end of the Cold War as a result of the steady deterioration of the Russian early warning network. Both its satellite and ground-based sensors have fallen into disrepair, and the human organizations that operate the network have been weakened by economic and social stresses and inadequate training.

There is an offsetting factor of crucial significance, however. While the risk of false warning has increased, the danger that Russia or the United States would actually launch on that false warning has declined dramatically. The reason is that the leaders

of these two countries would presumably heavily discount if not entirely dismiss reports of an attack, simply because the reports would be so incredible.

Russia and the United States are no longer enemies. That either country would deliberately attack the other is so utterly implausible that a neutral observer would rightly suppose that their top leaders would rise above the noise, emotion and time pressure of a reported incoming nuclear strike. These leaders cannot mechanically tie their actions to any warning and intelligence network, however highly touted it may be. At their lofty pay grade, what they think of the warning information would be inevitably and properly weighed by the background information they bring to it. Their prior opinion about the other side's good or ill intentions must be brought to bear on the situation, and that prior opinion today surely would cause them to disbelieve the warning and delay the fateful decision long enough to discover that the alarm was indeed false. On the other hand, a continuing stream of attack indications from multiple reliable warning sensors would compel a rationally calculating leader to believe that in all likelihood an attack actually is underway. The stream of data would compel a dramatic revision of the initial disbelief until the harsh reality sank in.

In other words, the effect of prior beliefs and psychology on the process of nuclear decision making is very great in the context of launching nuclear missiles on warning that an attack is underway with missiles in the air. That was true during the Cold War, and it is true today.

Preempting (preventing) enemy attack

The psychology of decision making is even more pivotal in a context of launching counterattacks before any opposing missiles have been fired. Anticipating a first strike by a nation or group before the strike has actually started involves a certain

amount of conjecture and demands a more careful screening of more ambiguous intelligence. Human factors are thus especially important today in the context of counter proliferation and homeland defense under the new national security strategy of the United States announced in September 2002 by the Bush administration.

This new strategy elevates preemption from the level of tactics to the level of strategy. It assumes that rogue states and terrorist groups cannot be reliably deterred, and therefore must be neutralized before they pose a clear threat of imminent attack.

The strategy seeks to prevent America's enemies from acquiring weapons of mass destruction in the first instance, using U.S. military force if necessary, and seeks to disarm them after they have acquired such weapons, whether or not their use against the United States is imminent.

Because this strategy seeks to eliminate incipient threats before they materialize full blown, preemption is a misnomer, a mischaracterization. The strategy embraces preventive war as much as preemptive attack. It even covers the case in which the U.S. would attack a putative adversary before the adversary realizes it is going to attack the United States – a wag would say that the idea in this case is that the United States would help the adversary make up its mind about attacking the United States by attacking the adversary first.

The new U.S. strategy is actually not so new. It is reminiscent of U.S. nuclear thinking in the early days of the Cold War when the United States was trying to figure out how to deal with the original "rogue" state developing weapons of mass destruction – the Soviet Union. President Bush's new strategy is a throw back to the 1950's and 1960's when the United States was not yet prepared to accept deterrence as the primary, let alone sole, basis of U.S. security vis-à-vis the Soviet Union.

The United States security establishment considered and pursued every option under the sun in addition to deterrence –

preemption, preventive war, surgical decapitation strikes, counterforce first strike, missile defense, bomber defense, civil defense (homeland defense), and even covert special operations to assassinate key leaders.

In the end, the U.S. and Russian security establishments realized that they could not meaningfully protect their countries and citizens from devastating strikes by the other side. None of the multitude of options being pursued could prevent either side from destroying the other in a nuclear war. Mutual vulnerability, despite intermittent attempts to remove it through Star Wars defenses or some other scheme, was a constant of the Cold War confrontation. But instead of despairing, both countries discovered salvation in this predicament. They were forced to rationalize mutual vulnerability as a virtue and learn to live with mutual deterrence as the centerpiece of national security, and eventually they celebrated this newfound source of security.

In contrast to this Cold War experience, however, the U.S. security establishment so far has rejected out of hand the idea of basing U.S. security on deterrence alone in confronting the far weaker axis of evil countries and terrorists. For understandable reasons, the United States is pursuing the same old options to protect itself from the rogue threats – active and passive defense and offense in line with the mindset of the early Cold War period.

A list of criticisms of the current U.S. preemptive strategy could run for pages. Its defects range from its dubious legitimacy under international law, to the bad example it sets for other countries eager to justify a preemptive or preventive attack on their neighbors. Already we have seen Russia and France follow in America's footsteps to declare similar doctrine for themselves, and the list of emulators will undoubtedly grow.

High on this list of liabilities is one particular difficulty that is the focus of this essay: the enormous burden that preemption places on intelligence – not only intelligence collection and analysis, but its interpretation by those at the top who, as noted

earlier, inevitably filter the intelligence information they receive through their own presumptions. The buck stops at a level at which leaders must fuse incoming intelligence with their own prior beliefs. It is crucial to the shaping of U.S. security policy that this highly subjective process be understood well. Intuition suggests that human intellectual and psychological limitations undercut the feasibility and sensibility of a preemptive strategy.

What is needed is a rigorous approach to analyzing whether the top leaders can interpret intelligence with sufficient accuracy and speed to meet the demands of the new strategy, even assuming that high-quality intelligence information can be collected and analyzed at lower levels. One such rigorous approach is to apply a proven formula for estimating the probability of an event – Bayes' formula for contingent probabilities. This formula (see Figure 1) provides an account of how the required judgment, or interpretation, might be made in a disciplined, responsible manner. Bayes' formula shows how well a perfectly rational individual can perform, providing a measure of the best judgment that can be expected of leaders in interpreting intelligence.

Bayes' analysis is often called the science of changing one's mind. The mental process begins with an initial estimate – a preexisting belief – of the probability that, say, an adversary possesses weapons of mass destruction, or that an attack by those weapons is underway. This initial subjective expectation is then exposed to confirming or contradictory intelligence or warning reports, and is revised using Bayes' formula. Positive findings strengthen the decision maker's belief that weapons of mass destruction exist or that an attack is underway; negative findings obviously weaken it. The degree to which the initial belief is increased or decreased depends on the intelligence system's assumed rate of error – its rate of detection failure and its rate of false alarms. Bayes' formula takes both rates of error – known as type I and type II – into account in re-calculating probabilities.

Our application of Bayes theorem is as follows:

Definitions:
Prob (attack|warning) = P(A|W)
Prob (attack|no warning) = P(A|NW)
Prob (warning|attack) = P(W|A) = 1 - prob (type I error)
Prob (warning|no attack) = P(W|NA)→type II error
Prob (no warning|attack) = P(NW|A)→type II error
Prob (no warning|no attack) = P(NW|NA) = 1 - Prob (type II error)

Prior initial subjective expectation of an attack: prior (A)
Posterior subjective expectation of an attack after either receiving or not receiving warning: Post (A)

Formulas:
Given warning is received during warning report period:

$$\text{Post}(A|W) = \frac{P(W|A)\ \text{prior}(A)}{P(W|A)\ \text{prior}(A) + [P(W|NA)(1 - \text{prior}(A)]}$$

Given warning is not received during warning report period:

$$\text{Post}(A|NW) = \frac{P(NW|A)\ \text{prior}(A)}{P(NW|A)\ \text{prior}(A) + [P(NW|NA)(1 - \text{prior}(A)]}$$

[Figure 1]

All prior and posterior probabilities are strictly subjective in the Bayesian model. They are opinions that exist in the minds of individuals. Assessments supplied by intelligence and warning sensors do not objectively validate the probabilities, but merely enable existing opinion to be revised logically by the successive application of Bayes' formula. This process can be considered objective, however, in the sense that as more intelligence assessments based on real data become available, the subjective probabilities will eventually converge on reality. People with different initial beliefs will eventually agree with each other completely, if they are thinking logically. This consensus will be

reached faster if the intelligence system is not prone to high rates of error.

Two hypothetical cases: Iraq's WMD and 9/11 terrorist threat

How subjective probabilities should be revised logically, according to Bayes' formula, are illustrated below for two hypothetical cases. One case resembles the problem of overestimating Iraq's weapons of mass destruction, and the other resembles the pre- 9/11 intelligence failure in which a terrorist threat was underestimated.

In the case akin to pre-war Iraq, suppose that the national leader believes that dictator X is secretly amassing nuclear, biological or chemical weapons, but that U.S. spies cannot deliver the evidence proving the weapons' existence. What should the leader believe then? Should the indictment be thrown out if the spies cannot produce any smoking guns? How long would a reasonable person cling to the presumption of the dictator's guilt in the absence of damning evidence?

The mathematics of rationality (according to Bayes) throws surprising light on this question. It proves that a leader who continues to strongly believe in the dictator's guilt is not being dogmatic. On the contrary, it would be irrational to drop the charges quickly on grounds of insufficient evidence. A rational person would not mentally exonerate the dictator until mounting evidence based on multiple intelligence assessments pointed to his innocence.

The extent to which a rational person should change their mind about guilt and innocence depends on how reliably accurate the intelligence system normally is. Let's suppose the track record of the system suggests that it normally detects clandestine proliferation in 75 percent of the cases, and also that it avoids making false accusations in 75 percent of the cases.

Thus, it misses proliferation in one-fourth of the cases, and mistakenly cries wolf in one-fourth of the cases. These rates of error seem to be reasonable approximations of current U.S. intelligence performance in monitoring clandestine proliferation.

If the leader interpreting the intelligence reports holds the initial opinion that it is virtually certain that the dictator is amassing mass-destruction weapons – an opinion that may be expressed as a subjective expectation or probability of, say, 99.9 percent – then what new opinion should the leader reach if the intelligence community (or the head of a UN inspection team) weighs in with a new comprehensive assessment that finds no reliable evidence of actual production or stockpiling?

Adhering to the tenets of Bayes' formula, the leader would combine the intelligence report with the previous opinion to produce a revised expectation. Upon applying the relevant rule of inductive reasoning, which takes into account the 25 percent error rates, the leader's personal subjective probability estimate (the previous opinion) would logically decline from 99.9 percent to 99.7 percent! (see Figure 2). The leader would remain highly suspicious, to put it mildly, indeed very convinced of the dictator's deceit.

A leader believing so strongly in the correctness of that judgment might well order another independent intelligence review, expecting that it would produce positive findings this time around. Suppose that this review, much to the leader's surprise, repeats the earlier negative findings - no reliable evidence of weapons proliferation. What new opinion should the leader form then? A rationally calculating person would undergo another change of opinion after absorbing the second intelligence report, revising downward again, this time dropping from 99.7 percent to 99.1 percent. Believe it or not, a rational leader could receive four negative reviews in a row from the spy agencies and would still harbor deep suspicion of the dictator because the leader's logically revised degree of belief that the dictator was amassing weapons would only fall to 92.5 percent.

Initial and Revised Expectations of Hidden WMD (Given No Detection) Assuming a Detection System with 25 Percent Types I and II Error Rates.

	Revised estimate given no detection													
Initial	Number of Negative reports:													
estimate [a]	1	2	3	4	5	6	7	8	9	10	11	12	13	14
0.0001	0.000													
0.001	0.000													
0.01	0.003	0.001	0.000											
0.05	0.017	0.006	0.002	0.001	0.000									
0.10	0.036	0.012	0.004	0.001	0.000									
0.20	0.077	0.027	0.009	0.003	0.001	0.000								
0.30	0.125	0.045	0.016	0.005	0.002	0.001								
0.40	0.182	0.069	0.024	0.008	0.003	0.001								
0.50	0.250	0.100	0.036	0.012	0.004	0.001								
0.60	0.333	0.143	0.053	0.018	0.006	0.002	0.001							
0.70	0.438	0.206	0.080	0.028	0.010	0.003	0.001							
0.80	0.571	0.308	0.129	0.047	0.016	0.005	0.002	0.001						
0.90	0.750	0.500	0.250	0.100	0.036	0.012	0.004	0.001						
0.95	0.864	0.679	0.413	0.190	0.073	0.025	0.009	0.003	0.001					
0.99	0.971	0.917	0.786	0.550	0.289	0.120	0.043	0.015	0.005	0.002	0.001			
0.999	0.997	0.991	0.974	0.925	0.804	0.578	0.314	0.132	0.048	0.017	0.006	0.002	0.001	
0.9999	0.999	0.997	0.992	0.976	0.932	0.821	0.604	0.337	0.145	0.053	0.016	0.006	0.002	0.001

a. Degree of belief in the hypothesis "weapons of mass destruction exist."

[Figure 2]

This seemingly dogmatic view is in fact the logically correct one. Why? Because top leaders do not function in a contextual vacuum. They inevitably depend on their own presumptions.

And in the Iraq case, a very strong initial presumption of guilt is understandable in view of the regime's history. In late 1998, UNSCOM issued its final report listing WMD capabilities that remained unaccounted. Iraq still had not disclosed those capabilities fully in its December 2002 report to the United Nations. In view of this failure and of Iraq's historical intentions

to acquire WMD, it's not surprising that leading up to the U.S. invasion of Iraq in 2003 the overwhelming bipartisan expert consensus of the United States and practically all other nations with modern intelligence capabilities was that Iraq certainly possessed at least a stockpile of chemical and biological agents.

Nobody seriously challenged that assessment, and if the rational calculations discussed above bear any resemblance to actual intelligence assessment during this period and after the war, it is no surprise that many of the most informed experts to this day still cling to the belief that Iraq possesses such weapons.

Exhibit "A" is the recent public defense of the infamous National Intelligence Estimate of October 2002 mounted by the key CIA official responsible for its conclusion that Iraq had chemical and biological weapons. As Stuart Cohen, the official in question, puts it in his closing editorial comment.

> "Men and women from across the intelligence community continue to focus on this issue because finding and securing weapons and the know-how that supported Iraq's WMD programs before they fall into the wrong hands is vital to our national security. If we eventually are proved wrong – that is, that there were no weapons of mass destruction and the WMD programs were dormant or abandoned – the American people will be told the truth; we would have it no other way". ("The Washington Post", *Myths About Intelligence*, November 28, 2003, p. A41).

In the case of the September 11 attacks, the initial apprehension of suicide attack using hijacked planes against buildings was as low as the Iraqi WMD threat estimate was initially high. The terrorist strikes came as such a total surprise that the furious criticism levied against the intelligence community seemed wholly deserved, especially after a mosaic

of terrorist warnings contained in neglected FBI field reports came to light. But the criticism should have been tempered. It was neither realistic nor fair. The seeming understatement of the risk of foreign terrorism inside U.S. territory once again can be characterized as a reasoned view. A logical analyst would not have transcended the rules of evidence and could not have divined the intentions of the terrorists.

To illustrate this case, assume that the top analyst (or leader) initially estimated the risk of an attack on the United States by a terrorist group flying hijacked planes to be one-tenth of 1 percent. Then how much should the expectation of attack have grown after receiving, say, four successive intelligence reports warning of an imminent attack? The surprising answer based upon the rules of logic, and assuming the same error rates used in earlier calculations (25 percent rate of failing to detect an attack that is actually underway; and 25 percent false alarm rate) is that the probability would grow from less than 1 percent to less than 10 percent after four alarming reports in a row (see Figure 3).

Once again, this does not suggest dogmatism in the face of discrepant information. On the contrary, it shows that a belief should not be overridden lightly. The math shows that a person whose initial expectation of a terrorist attack is very low will need to be exposed to a stream of alarming evidence – seven intelligence alarms in a row – before the person logically should estimate the risk of attack to exceed 50 percent.

This slow revision of subjective opinion eventually converges on objective reality (see Figure 4) which illustrates a case in which the initial estimate is 50 percent). As more intelligence data become available and are brought to bear on opinion, the weight of initial opinion declines, eventually yielding completely to the data - assuming the data are not intentionally twisted or manufactured for political reasons.

Initial and Revised Expectations of Terrorist Attack (Given Attack Warning) Assuming a Warning System with 25 Percent Types I and II Error Rates.

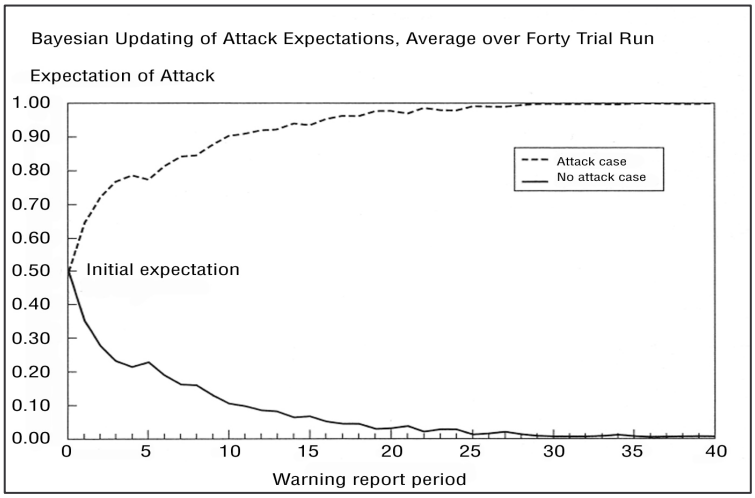
	Revised estimate given attack warning															
Initial	Number of positive Warning Reports:															
estimate [a]	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16
0.0001	0.000+	0.001	0.003	0.008	0.024	0.068	0.179	0.396	0.663	0.855	0.947	0.982	0.994	0.998	0.999	1.000
0.001	0.003	0.009	0.026	0.075	0.196	0.422	0.686	0.868	0.952	0.983	0.994	0.998	0.999			
0.01	0.029	0.083	0.214	0.450	0.711	0.880	0.957	0.985	0.995	0.998	0.999					
0.05	0.136	0.321	0.587	0.810	0.927	0.975	0.991	0.997	0.999	1.000						
0.10	0.250	0.500	0.750	0.900	0.964	0.988	0.996	0.999								
0.20	0.429	0.692	0.871	0.953	0.984	0.995	0.998	0.999								
0.30	0.563	0.794	0.920	0.972	0.990	0.997	0.999									
0.40	0.667	0.857	0.947	0.982	0.994	0.998	0.999									
0.50	0.750	0.900	0.964	0.988	0.996	0.998										
0.60	0.818	0.931	0.976	0.992	0.997	0.999										
0.70	0.875	0.955	0.984	0.995	0.998	0.999										
0.80	0.923	0.973	0.991	0.997	0.999											
0.90	0.964	0.988	0.996	0.999												
0.95	0.983	0.994	0.998	0.999												
0.99	0.997	0.999														
0.999	1.000															

a. Degree of belief in the hypothesis "a terrorist attack is under way."

[Figure 3]

How long does Bayes' formula suggest it should take for this process to iterate itself to the truth? Unless some momentous event like an actual terrorist strike or the actual use of mass-destruction weapons intrude to compress the iteration time, 10 to 20 successive cycles of judgment are normally necessary across a fairly wide spectrum of conditions. Over the course of these cycles of assessment and warning there would be, in the case of an actual attack underway, occasional failures to detect the attack (reflecting a 25 percent error rate) which in turn stretches out the period of warning review needed to reach the proper conclusion. By the same token, in the case of no attack underway, occasional false warnings (reflecting a 25

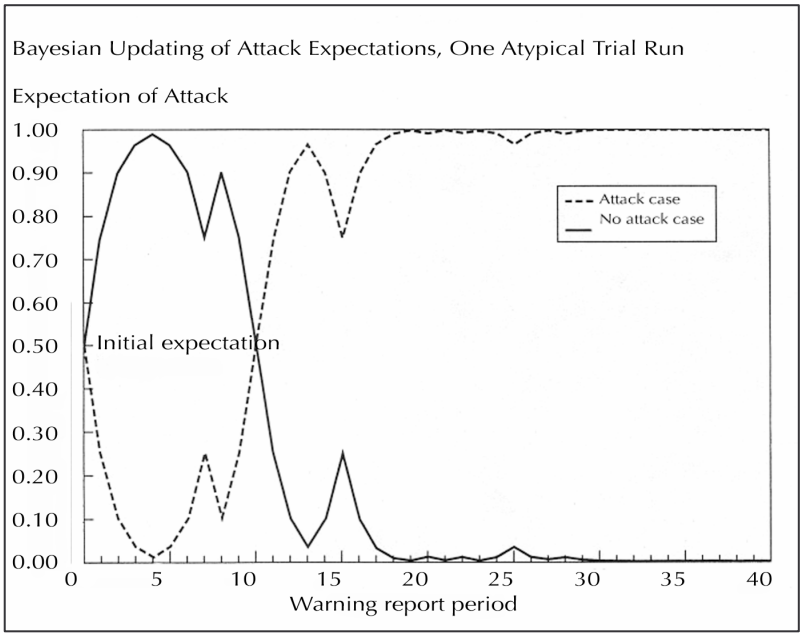
percent false alarm error rate) would stretch out the time needed to realize that no attack was actually being mounted. A computer simulation was run to capture these statistical risks in which erroneous warnings would be mixed in with correct warnings (which the intelligence collection achieves 75 percent of the time).



[Figure 4]

In short, anything less than a lengthy series of spy reviews would represent a rush to judgment. Bayesian calculations in fact show that it is quite possible for the intelligence findings to be wildly off the mark for 10 or more cycles of assessment before settling down and converging on the truth (see Figure 5).

A run of bad luck – failures to detect an actual attack, or false alarms if there is no actual attack – could drive the interpretation perilously close to a high-confidence wrong judgment. Although it would be unusual to experience a long run of bad luck, it is probable enough to play it safe and not preemptively attack or adopt draconian homeland defense measures after only a few intelligence reports in succession have set alarm bells ringing loudly.



[Figure 5]

Conclusion

This perspective on the intelligence process leads to an exonerating statement and a cautionary note. The exonerating point is that people who clung to their belief that Iraq possessed mass-destruction weapons in spite of the inability of intelligence efforts and inspectors to find them during the run up to the 2003 invasion, and even people who still believe today that mass-destruction weapons remain hidden in Iraq, have had a strong ally in logical reasoning for a lengthy period of time. A case can be made that their view has been intellectually the most coherent and consistent view of the threat. However, logical minds open to fresh intelligence reports should by now harbor serious doubt.

The facts on the ground are speaking loudly for themselves in challenging the presumption used to justify the war with Iraq.

The cautionary note is that Bayesian math points to a fairly slow learning curve that also challenges the wisdom of making preemption a cornerstone of U.S. security strategy. The intelligence burden of this strategy is generally very heavy, too heavy for any leader to consistently shoulder. In all likelihood, a prudent interpretation of intelligence would fail to clarify the actual threat, the appropriate targets, and other contours of a preemptive strike. The strategy is not a feasible or sensible approach to U.S. national security.

Bayesian analysis proves that even good intelligence and interpretation are unlikely to meet the high threshold of waging preemptive or preventative war. In reality, intelligence information is more murky than our Bayesian analysis assumed.

Bits of information in the real world are often ambiguous in their very meaning – thus two observers with different preexisting beliefs will often believe that the same bit of behavior confirms their beliefs – hawks seeing aggressive behavior and doves seeing evidence of conciliatory behavior.

Bayesian analysis does not confuse the meaning of bits of information, as though drawing balls of different color from a jar. And still, it shows what a mountain of evidence is needed to rationally change one's mind and arrive at the truth.

*This paper was presented by the author at the 10th International Castiglioncello Conference "Unilateral Actions and Military Interventions: The Future of Non-Proliferation," Sept. 18-21, 2003, Castiglioncello, Italy.

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THE RISK OF NUCLEAR TERRORISM

FRANCESCO CALOGERO

Over the last few years I wrote several papers, and made many presentations, on the risk of nuclear terrorism [1-10]. The present text, written at the request of the organizers of three recent conferences to which I participated (the USPID International Conference in Castiglioncello, Italy, 18-21 September 2003; the XV Amaldi International Conference in Helsinki, Finland, 25-27 September 2003; the Workshop on "New Initiatives for Risk Reduction on Unsettled Asian Borders", Skavsjoholm near Stockholm, Sweden, 26-29 September, 2003), has been drafted mainly to bring attention to these previous publications of mine [1-11], as well as to an important recent paper [12] that provides an overview of the technical opportunities for a sub-national terrorist group to acquire the capability to manufacture a nuclear explosive device (a most competent overview: Albert Narath served until recently as Director of the Sandia National Laboratory, the installation where the USA nuclear warheads are manufactured).

The main point of these publications [1-11] is that it is quite easy to build a nuclear explosive device if a sufficient quantity of (weapon-grade) Highly Enriched Uranium (HEU) is available. To reach this conclusion – which has the nature of a scientific truth – one must realize that a primitive nuclear explosive device is much easier to manufacture than a nuclear weapon produced for employment in a military context by a State: the nuclear explosive device need not be transportable nor sturdy (it will be most conveniently manufactured in a rented locale in the target city), it need not be reliable (its yield might be *a priori* unpredictable, but with a significant probability that it be of the order of that of the Hiroshima bomb), it need not have any security/safety gadgets (but given the low radioactivity

of Uranium it will be manufactured with minimal health risks), it will be exploded via a timer (to allow an easy getaway) that need not have any great precision. The ease to manufacture such a device is guaranteed by the fact that all one needs to do to produce a nuclear explosion of Hiroshima type is to cause sufficiently fast assembly (in a time of the order of, say, a millisecond) of a supercritical mass of HEU, possibly with a tamper around it in order to reduce the critical mass and to facilitate the supercritical mass remaining assembled for a sufficiently long time (say, of the order of a second) so as to guarantee that a cosmic ray neutron start the chain reaction (note that this implies that there is no need of a neutron source to initiate the chain reaction [12] indeed no neutron source was featured by the six HEU nuclear weapons manufactured by South Africa using the gun-type configuration nor was the neutron source indispensable for the initiation of the chain reaction in the Hiroshima bomb [13]).

All the additional materials besides HEU will be easily available in the open market (except possibly for some conventional explosives, easily available on the black market if they are indeed needed). Nor will any expertise in the manufacture of nuclear weapons be needed (although it would of course facilitate the task); nor any knowledge of nuclear or material sciences will be needed besides what any intelligent bricoleur may easily get from the open literature (available in books and via internet).

Fortunately there is a barrier to be overcome before a subnational terrorist group acquire the capability to destroy a city via a nuclear explosion, namely the difficulty to get hold of the required quantity of HEU. This presumably explains why a nuclear catastrophe has not yet happened. But complacency in this respect is most unwise although the skepticism about the likelihood of a catastrophe of new type happening is always overwhelming, so that it is unlikely that the threat of nuclear terrorism caused by a subnational commando will be taken

adequately seriously *before* a catastrophic instance of it will happen.

One hundred kilograms of weapon-grade HEU will be more than enough to manufacture a primitive nuclear explosive device. Once this amount of HEU is acquired by a terrorist commando, smuggling it anywhere is a trivial task, facilitated by its small volume (less than *ten* liters) and marginal radioactive signature.

This amount of HEU must be compared with the existing stocks of this material, which in Russia alone exceed *one million* kilograms.

These figures speak for themselves. They entail that there should be a determined effort focused on guaranteeing the physical security of this material against any diversion, and also focused on eliminating as much of it as possible as quickly as possible. While some steps in this direction have been taken, much less has been and is being done than would be possible and appropriate, given the magnitude of the threat. (For more information on this I refer to the papers quoted above, and as well to a forthcoming study by an expert group convened by the Swedish government [14]).

It is moreover remarkable although to some extend understandable due to certain industrial and commercial interests that more attention has been and is devoted, rather than to the elimination of HEU, to the elimination of Plutonium, the other material suitable for the construction of a crude nuclear explosive device; although in this case the device cannot be so simple, so that the likelihood that a Plutonium device be manufactured by a sub-national terrorist commando is moot («Most people seem unaware that if separated U-235 is at hand it's a trivial job to set off a nuclear explosion, whereas if only plutonium is available, making it explode is the most difficult technical job I know». Luis W. Alvarez, key physicist in the Manhattan project, and subsequently Nobel laureate in physics, in his memoirs written in 1987, one year before his death [15]).

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UNMOVIC IN IRAQ: A JOB WELL DONE

TREVOR FINDLAY

In November 2002 the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC), in partnership with the International Atomic Energy Agency (IAEA), resumed international inspections in Iraq after an absence of nearly four years. UNMOVIC had been established by the UN Security Council in December 1999 in the hope that a new organisation would attract greater cooperation from Iraq than its predecessor, the UN Special Commission (UNSCOM). [1] However, it was not until the US Administration of President George W. Bush threatened credible military action that Iraq agreed to admit UNMOVIC inspectors (as well as readmitting those of the IAEA) [2] to its territory. Inspections promptly resumed and for the next three and a half months made good progress despite some Iraqi procrastination and other difficulties, notably the paucity of accurate Western intelligence information. By mid-March 2003, differences in the Security Council over continuing Iraqi non-compliance had reached an impasse. China, France, Russia and all of the non-permanent members felt that UNMOVIC had not been given enough time to fulfil its mandate. The United States and the United Kingdom felt that Iraq had had enough time to comply and declared their intention to act unilaterally if the Council did not authorise the use of force. On 18 March, two days after Washington advised the UN that the inspectors should leave for their own safety, UNMOVIC and the IAEA withdrew from Iraq. So ended the second round of international inspections. Bombing by US and UK aircraft began on 20 March and the coalition invasion began soon after.

Notwithstanding the brevity of their operations in the field, subsequent revelations have confirmed that UNMOVIC and the

IAEA performed creditably in verifying the status of Iraq's alleged weapons of mass destruction (WMD) programmes.

Their experience has yielded valuable lessons for future multilateral inspection and verification regimes. This paper examines the history and achievements of UNMOVIC, from its inception to its withdrawal from Iraq, and its likely future.

UNMOVIC: establishment, organisation and capabilities

As part of the ceasefire to end the 1991 Persian Gulf War, the UN Security Council demanded that Iraq divest itself of its nuclear, chemical and biological weapons capabilities and of its delivery systems with a range greater than 150 kilometres. [3] UNSCOM, a specially created international inspection agency, and the IAEA were mandated to verify that Iraq was complying. Among the achievements of UNSCOM and the IAEA's Iraq Action Team – responsible for nuclear inspections in Iraq – were the discovery of an offensive biological weapons (BW) programme, a VX nerve agent capability, long-range missiles capable of delivering weapons of mass destruction (WMD) and a clandestine nuclear programme. The inspectors successfully destroyed significant quantities of ballistic missiles, chemical munitions and agents and closed down a BW facility and an entire nuclear weapons research and production capability. [4]

But Iraq never did produce a credible complete and final accounting of its capabilities and what had become of them, particularly in respect of its BW programme. [5] UNSCOM and IAEA inspectors were also faced with persistent Iraqi non-cooperation, harassment and dissembling. They had therefore not been able to completely verify Iraqi disarmament, nor to put completely in place the planned long-term Ongoing Monitoring and Verification (OMV) system designed to prevent Iraq from reacquiring WMD capabilities. The inspectors were forced to

withdraw in December 1998 to avoid air strikes carried out by the U.S. and the U.K. in a failed attempt to compel Iraq to cooperate fully.

Formation and mandate

UNMOVIC was created by Security Council Resolution 1284 on 17 December 1999 as a replacement for UNSCOM. The new body inherited its predecessor's responsibilities, as well as being mandated to strengthen UNSCOM's OMV, [6] now to be known as the Reinforced Ongoing Monitoring and Verification (R-OMV) system. The IAEA retained its separate role with regard to nuclear matters. Swedish diplomat Dr Hans Blix, former Director General of the IAEA, was appointed UNMOVIC's Executive Chairman. [7]

A 16-member College of Commissioners was also appointed. [8] Chaired by the Executive Chairman, it would meet at least every three months to provide him with advice and guidance. He would be required to consult them on major policy decisions. The role and membership of the Commissioners elicited allegations that UNMOVIC would have less political independence than UNSCOM, but such fears never materialised. [9]

Organisation and capabilities

UNMOVIC drew heavily on the experience of its predecessor, as well as acquiring its assets, archives and some of its personnel. But UNMOVIC became a much more capable organisation than UNSCOM, partly because UNSCOM had laid much of the groundwork, but also because UNMOVIC used the three years between its establishment and the deployment of its inspectors to Iraq to great advantage.

The Commission, which, despite its withdrawal from Iraq, still exists, comprises, besides the Executive Chairman and his

support office, an Administrative Service and four main divisions – Technical Support and Training; Planning and Operations; Analysis and Assessment; and Information (see Figure 1). [10]

The Division of Planning and Operations is responsible for the planning and execution of all monitoring, verification and inspection activities, including proposing sites for inspection, planning the objectives and timing of inspections and deciding the composition of inspection teams. The division has four principal units – biological weapons, chemical weapons, ballistic missiles and multidisciplinary inspections and operations. The multidisciplinary unit was formed on the recommendation of the Amorim panel [11] that reviewed UNSCOM's operations and concluded that such teams could better investigate sites hosting multiple activities. The division also has responsibility for monitoring for proscribed military and associated items imported by Iraq and investigating any dual-use items, as part of the Export/Import Joint Unit with the IAEA. The Planning and Operations division also has responsibility for the R-OMV.

The Division of Information gathers, processes and archives information from several sources, including that garnered from both UNMOVIC and UNSCOM inspections, overhead imagery, open sources (notably from the Monterey Institute and a French research institute) and intelligence provided by UN member states (notably the US and UK, but also possibly France, Germany and Israel). Due to the long period between the end of UNSCOM inspections and the commencement of UNMOVIC inspections, and the resulting paucity of information about Iraq's weapons programmes between 1998 and 2002, information from open sources and intelligence was particularly important.

The Division of Analysis and Assessment is responsible for processing information in order to focus the work of inspectors, provide a basis for the R-OMV and to assist the Export/Import Joint Unit. The Division has the same four units as the Division

of Planning and Operations and each unit liases directly with its counterpart to identify new sites for inspection and assess Iraq's compliance.

Finally, the Division of Technical Support and Training provides UNMOVIC with the equipment and supplies needed for inspections, such as logistics, transport, communications and security. These activities were implemented in Iraq from the Baghdad Ongoing Monitoring, Verification and Inspection Centre (BOMVIC), which has now been closed, along with the Bahrain field office. The Division is still responsible for the Larnaca (Cyprus) field office and for running the training programmes for staff and inspectors.

The waiting game: UNMOVIC prepares well for inspections

A key difference between UNMOVIC and its predecessor was that UNSCOM was launched straight into inspections, while UNMOVIC had the benefit of three years of preparation. UNSCOM arrived in Iraq and performed its first inspection in May 1991, barely a month after Resolution 687 created it. By contrast, UNMOVIC was able to use the waiting period to determine priority sites for inspection, carefully analyse the information on Iraq's WMD programmes and capabilities, consolidate and learn from the experiences of its predecessor, create a well-trained force of inspectors and refine its monitoring and inspection methods.

As instructed in Resolution 1284, UNMOVIC focussed on identifying «unresolved disarmament issues» and «key remaining disarmament tasks». To this end it assembled unresolved disarmament issues into interrelated clusters to obtain a better overall picture of Iraq's WMD programmes and to assess the significance of the gaps in its knowledge and hence what still needed to be verified. [13] (A draft work programme was submitted to the Council for its approval on the very day

that UNMOVIC completed its last inspections before leaving Iraq). [14]

Staff training – under UNSCOM largely the responsibility of member states – was now organised and conducted solely by UNMOVIC (but with some support from governments). The Commission instigated a rolling programme of training on a wide range of topics – the past work of UNSCOM; the origins, mandate and legal framework of UNMOVIC; the scope and nature of Iraq's weapons programmes; monitoring and inspection techniques; and health and safety. It also included an Iraqi cultural training package which covered the history, economy, politics and society of Iraq with regional, social and religious themes (UNSCOM had been accused of cultural insensitivity). UNMOVIC also ran advanced discipline-specific training courses once experts had been through the initial training course, focusing on biological, chemical or missile inspections. The first training course ran from July to August 2000 and trained 44 experts from 19 nationalities. With the completion of this and four more courses and the recruitment of 42 professional core staff in New York, UNMOVIC was in a good position by the end of 2002 to commence inspections at short notice. Courses were still running in February 2003, bringing the total of experts on the roster to 380 from 55 nations.

Technology

UNMOVIC also had better technology than UNSCOM. Both the surveys and the inspections conducted in Iraq by UNMOVIC were greatly assisted by significant improvements in technology since 1998. Detection devices were now smaller, lighter, faster and more accurate. They included miniature radiation sensors, portable chemical and biological weapon detectors and ground-penetrating radar. Multi-channel analysers (MCAs) were used to detect and analyse gamma radiation from radioisotopes and neutron radiation from plutonium, while a

gamma spectrometer was used to identify highly enriched uranium. Importantly, as nuclear activities often require exotic metals, X-ray fluorescence spectrometers were used to distinguish between various metal alloys. For its part, the IAEA used environmental sampling techniques developed for improved nuclear safeguards verification to monitor water, air and vegetation. The equipment used to survey Iraq's watercourses was so sensitive that it could detect the permitted use by Iraq of radioisotopes for medical applications. Information technology developments also helped UNMOVIC. For instance, the IAEA and UNMOVIC databases were linked and cross-disciplinary analysis not previously available was used to look for patterns and linkages.

UNMOVIC's capabilities were also to be enhanced by the establishment of two regional offices, the freedom to fly into Baghdad rather than an airport several hours' drive away, a fleet of British, Canadian and Russian helicopters, access to colour satellite images – including from commercial providers – and use of *Mirage* and U-2 aircraft for extra reconnaissance (although the latter took some time to arrange). It was also planned to obtain data from unmanned aerial vehicles (UAVs), but these were never deployed due to a lack of time before UNMOVIC's withdrawal.

The build-up to UNMOVIC's entry into Iraq

The first signs of movement in the Iraqi position on allowing inspectors to return began in the early part of 2002, prompted by US and UK intimations that the use of force could not be ruled out if Iraq continued to defy the Security Council. The Foreign Minister of Iraq held talks with the UN Secretary-General on 7 March and again on 1 and 3 May. Technical talks were also held between an Iraqi delegation, headed by General Amer Al-Sa'adi, the main point of contact for UNSCOM on chemical and

biological weapons. Pressure was increased by the US release in September of intelligence information on Iraq's alleged import of aluminium tubes for use in uranium enrichment centrifuges. The now infamous UK dossier on Iraq's alleged weapons of mass destruction was published on 24 September 2002. [15]

On 8 November 2002 the Security Council unanimously adopted Resolution 1441, declaring that Iraq had been and continued to be in «material breach» of its obligations and calling on it to cooperate «immediately, unconditionally and actively» with UNMOVIC. It ordered Baghdad to provide UNMOVIC and the IAEA with «immediate, unimpeded, unconditional, and unrestricted access to any and all, including underground, areas, facilities, buildings, equipment, records, and means of transport which they wish to inspect». The two bodies could impose no-drive and no-fly zones around suspect sites and could destroy, impound or remove any armaments, materials or records. They were also entitled to receive comprehensive lists of and «immediate, unimpeded, unrestricted, and private access to all officials and other persons» whom they wished to interview in a mode or location of their choosing, without the presence of Iraqi observers. Gone were the special procedures for the inspection of the eight presidential sites of Iraqi President Saddam Hussein – negotiated by UN Secretary-General Kofi Annan in February 1998 [16] – as were the confidential "understandings" previously reached with Iraq by the first UNSCOM Executive Chairman, Rolf Ekéus. Inspectors' premises were to be protected by UN guards, and UNMOVIC and IAEA personnel were to have unimpeded entry to, and exit from, Iraq, and the right to import and export any equipment and material they required.

Not only was UNMOVIC's mandate now tougher and more intrusive than that of UNSCOM, but also it was politically more compelling. Unlike the resolution establishing UNSCOM, UNMOVIC was now specifically authorised under Chapter VII of the UN Charter, leaving no doubt that compliance with the

resolution was mandatory. It was also, unlike the initial UNSCOM resolution, adopted unanimously (even Syria voted in favour). Resolution 1441 also explicitly stated that failure to comply at any point «shall constitute a further material breach of Iraq's obligations», which would be reported to the Security Council for immediate assessment, with the possibility of «serious consequences». This was the first time that such a direct threat of force had been made in a resolution concerning the UN inspection regime. Previously, it had been linked indirectly as part of Iraq's ceasefire obligations. [17]

Several deadlines were imposed by Resolution 1441 – seven days for Iraq to notify the Council that it would comply and 30 days for it to provide a «currently accurate, full and complete declaration of all aspects of its programmes to develop chemical, biological and nuclear weapons, ballistic missiles, and other delivery systems». UNMOVIC was to begin inspections within 45 days and report to the Council 60 days thereafter, but earlier if Iraq was failing to comply.

On 13 November Iraq informed the Council of its decision to comply with the resolution «without conditions». An advance team of 30 staff lost no time in travelling to Baghdad with Dr Blix and IAEA Director General Dr Mohamed ElBaradei on 18 November for talks with Iraqi officials on the practical arrangements for the return of inspectors and to prepare premises and organise logistics to permit the resumption of operations. On 7 December a crucial deadline was met when Iraq provided, more than twenty-four hours before it was required to do so, what purported to be the required «accurate, full, and complete declaration». Comprising over 11,807 pages, with 352 pages of annexes and 529 megabytes of data, the declaration was detailed, technical and partly in Arabic.

Return to Iraq: inspections from 27 November 2002 – 17 March 2003

The first inspectors arrived in Iraq on 25 November, comprising just 11 experts but covering all areas of UNMOVIC's work. This paved the way for inspections to begin early, just two days later, on 27 November, when three sites previously inspected by UNSCOM were visited. Several more were conducted, unimpeded by the Iraqis, on successive days. These early inspections were low-key affairs, designed to test Iraqi cooperation, while also attempting to re-establish a baseline of information ("re-baselining") to facilitate future inspections. On 3 December the first presidential site was inspected, again without serious incident, although access was delayed.

The first two weeks yielded only a few inspections per day and were general rather than discipline-specific. They were carried out by the small advance team from UNMOVIC and the IAEA's Iraq Action Team – renamed the Iraq Nuclear Verification Office (INVO). However, as the number of inspectors in Iraq grew, inspections steadily intensified. [18] From 14 December inspections began in earnest, averaging eight per day, with discipline-specific teams focussing on their own particular area of interest. Each inspection team contained on average eight inspectors, ranging from as many as 40 and as few as two.

In its 111 days in Iraq UNMOVIC conducted 731 inspections at 411 sites – of which 88 had not been inspected previously [19] – while the INVO conducted 237 nuclear inspections at 148 sites, including 27 new sites, covering over 1600 buildings. [20] Of the UNMOVIC inspections, 219 (30%) were conducted by missile teams, 205 (28%) by biological, 161 (22%) by chemical and 146 (20%) by multidisciplinary teams.

Figure 2 provides a breakdown of the types of site inspected by UNMOVIC. Industrial sites represented the majority. These

included processing, food, medicine, ammunition and missile-related production plants, followed by research and development and military sites. [21] Most of the sites were located around Baghdad or the northern city of Mosul, the latter facilitated by the opening of a regional field office there. Another regional field office was planned for the city of Basra but the inspectors left before it could be established. This would have opened up the southern part of Iraq to more thorough inspection and monitoring and increased the element of surprise. In the end only seven sites were inspected in the southern third of the country.

In addition to inspections, the INVO also conducted 125 surveys, including 42 at locations not previously visited by the IAEA. The surveys included land- and vehicle-based sampling, travelling over 8000 km to visit state-run industrial and military locations as well as urban areas. They also conducted a radiometric survey of Iraq's main watercourses from 9 to 19 December.

The pattern of inspections by UNMOVIC and the INVO shows two distinct phases. From November until the beginning of 2003, the focus was on re-establishing a baseline for the declared sites by assessing any changes made in activity, personnel or equipment since inspectors left in 1998. Newly declared sites were also visited in this phase and all sites were assessed against Iraq's 7 December declaration. From mid-January onwards UNMOVIC and the INVO began an investigative phase designed to identify and pursue leads obtained from inspections, Iraqi documents or information from other sources, including intelligence. This phase was characterised by the reinspection of key sites. Among those inspected on several occasions were:

- Al Qa Qaa, a large industrial complex responsible for the explosive filling of long-range missile warheads; it was inspected by nuclear, chemical, missile and multidisciplinary teams (30 inspections)

- Tuwaitha, the former main site of Iraq's nuclear programme (18 inspections by INVO teams)
- Al Mamoun plant, involved in making missile propellant (18 inspections)
- Al Kadhimiyah plant, producing guidance and control systems for missiles (16 inspections), and
- Al Mutasim, involved in making missile motors (16 inspections).

The inspectors were still fully engaged in this phase of their operations when they were withdrawn.

The extent of Iraqi cooperation

In sharp contrast to the UNSCOM experience, the Iraqis did not prevent entry to any site that UNMOVIC sought to visit and delays in gaining access were minimal, even when inspections were no-notice or undeclared. Iraq also assisted UNMOVIC with infrastructure such as premises. UNMOVIC used a variety of intrusive techniques, including air, chemical and radiological sampling, photography and video, tagging of equipment and document collection, without Iraqi interference. Iraq also established two commissions to search for proscribed items and in searching for documentation. The first, appointed on 20 January, allegedly located four 122mm chemical warheads and two aerial bombs for biological agents. Iraq also consistently backed down on specific issues when pressure was applied by the Council.

There were two key areas where Iraq deployed delaying tactics. The first concerned helicopter flights and surveillance flights by U-2 and *Mirage* aircraft, despite the fact that similar aircraft had been used by UNSCOM. Iraq eventually conceded on allowing all UNMOVIC aircraft to operate freely in Iraq, including in the no-fly zones. [22] The first U-2 flight took place

on 17 February. A French-supplied *Mirage* aircraft conducted its first mission on 26 February. The two aircraft procured digital imagery that could be delivered to UNMOVIC headquarters within hours. UNMOVIC intended to supplement these sources with Russian surveillance aircraft with a night-vision capability and German-supplied unmanned aerial vehicles (UAVs). UNMOVIC also leased helicopters which were used for aerial surveillance as well as transporting inspectors around the country.

The second area of difficulty related to interviews with technical and scientific personnel without tape-recorders or Iraqi minders being present, a key demand of the Security Council. However, Iraq eventually relented and 26 interviews – 14 by UNMOVIC and 12 by the IAEA – were conducted from 5 February until the end of inspections, all under the conditions stipulated by UNMOVIC and the IAEA.

In his reports to the Security Council, Hans Blix was careful to distinguish between Iraq's cooperation in process and cooperation in substance. While cooperation in the former was good, in the latter Iraq continued to be evasive and misleading. Its currently accurate, full and complete declaration of 7 December was farcical, mostly comprising a compilation of past Iraqi full, final and complete declarations. In his quarterly report to the Council on 7 March 2003 Blix identified at least 100 unanswered questions, many relating to uncertainty surrounding the amounts of anthrax and VX nerve agents that Iraq had declared but had not adequately accounted for. [23]

Iraq was clearly continuing to engage in a campaign of deception and denial, one that was apparently more sophisticated than ever due to its experience in handling UNSCOM and the intervening years that it had had to prepare for the inspectors' return. Ironically, though, this time the Iraqis had much less to hide since they had not been as successful in reconstituting their WMD programmes as had been alleged. The

'father' of Iraq's nuclear weapons programme, Jafar Dhia Jafar, has subsequently revealed that the speed at which UN inspectors operated, their use of aerial reconnaissance and the large size of Iraqi WMD equipment that had to be moved to keep it away from the inspectors led to Iraq's concealment operation failing within weeks of UNMOVIC's arrival. It also led Iraq to decide to dismantle and destroy the weapons and to end its programmes to prevent them from falling into the hands of the inspectors. [Endnote: Sam F. Ghattas, "Scientist: Iraq had no atomic program", *Philadelphia Inquirer,* 9 March 2004, www.philly.com/inquirer].

UNMOVIC's achievements

Findings

In its four months of inspections, UNMOVIC and the INVO found little evidence that Iraq still either possessed WMD or was engaged in new or reconstituted programmes to produce them. [24] Some proscribed items were uncovered but they were not the "smoking gun" that had been alleged to exist. No stockpiles of chemical or biological weapons were found. While US intelligence had alleged the existence of mobile BW laboratories, UNMOVIC could find no trace of them. The vehicles it did discover turned out to be mobile agricultural research units. Although the US subsequently found more vehicles after its invasion of the country in March 2003, their purpose was as the Iraqis had claimed: for filling hydrogen balloons to assist in weather forecasting for artillery use. [25] With regard to the US allegation that Iraq had developed UAVs for WMD delivery (UAVs were subject to the same 150 km-range limit as missiles), UNMOVIC concluded, after discovering one, that instead they were likely to have been for surveillance purposes.

The IAEA concluded, for its part, that Iraq had been unable to reconstitute its nuclear weapons programme. It also arrived at negative findings on two specific issues. First, it concluded that aluminium tubes illegally imported by Iraq, allegedly for use in centrifuges for uranium enrichment, were in fact for use in rockets. Second, the Agency quickly determined that documents obtained from US intelligence alleging an Iraqi attempt to obtain yellowcake from Niger were crude forgeries. [26] While it is now widely agreed that the documents were fakes, the UK continues to maintain that it had independent intelligence about such a bid, although it is not clear whether it shared this with the IAEA.

The most prominent discovery by UN inspectors resulted from analysis of Iraq's 6-monthly declarations, provided in October 2002, before inspections started, of two types of surface-to-surface missiles, the Al Samoud 2 and the Al Fatah. Flight test data were analysed in February 2003 by a panel of international experts convened by UNMOVIC – from China, France, Germany, UK, Ukraine and the US – which concluded that the Al Samoud 2 was capable of exceeding the 150 km-range limit. Iraq also declared the acquisition of a large number of surface-to-air missile engines, which violated the arms embargo imposed by Resolution 687, and which could be modified for use as longer-range missiles.

It was also discovered that the casting chambers at the Al Mamoun facility, which had been destroyed by UNSCOM due to their intended use in producing the proscribed Badr-2000 missile, had been refurbished and were judged to be able to produce missile motors capable of ranges greater than 150 km.

Disarmament activity

The scale of disarmament of Iraq by UNMOVIC was minor compared to the complex and large-scale destruction activities overseen and undertaken by UNSCOM. Between 1 and 17

March, when inspections ceased, UNMOVIC supervised the destruction at Al Taji of 72 missiles, along with 74 empty warheads, five engines, three launchers and three command and control vehicles. This still left a further 25 missiles, 38 warheads, six launchers, six command and control vehicles and 326 engines remaining to be destroyed. Inspectors also verified the destruction of numerous other items associated with the missile programme such as drawings and manufactured parts at Al Wazariyah, Al Samoud Factory and Al Fatah Factory. The same process at several other sites – Al Kadhimiyah, Al Qudis and Al Fedaa Hydraulic Factory – had not yet commenced when inspectors were withdrawn from Iraq. The two casting chambers at Al Mamoun were destroyed under UNMOVIC supervision by cutting each into at least 16 pieces which were then buried and encased in concrete.

UNMOVIC was also able to complete disarmament tasks started but never finished by UNSCOM due to its withdrawal. Fourteen 155mm artillery shells filled with mustard gas were destroyed at the Muthanna State Establishment. The remaining 49 litres of agent and empty shells were also destroyed. UNMOVIC chemical teams also discovered and destroyed a litre of a mustard gas precursor – thiodiglycol – at the Al Basil Jadriya complex in January 2003. Iraq claimed, probably truthfully, that the chemical had been left by the previous occupants of the site and was not being used by the current scientific staff. No further evidence was found that work was being carried out on the precursor or mustard gas.

Another inspection team found 12 undeclared 122mm rockets with empty chemical warheads at the Al Ukhaider ammunition depot, while Iraq itself "located" four more warheads at Al Taji. An UNMOVIC inspection of this site turned up two more warheads. Although some of the warheads contained liquid, analysis revealed it was simply water. All 18 were due for destruction before the inspectors were withdrawn.

UNMOVIC's record

UNMOVIC was barely in Iraq for three and a half months. It had not yet completed its second phase, had only just begun receiving overhead imagery and had not installed monitoring equipment. It had yet to open an office in Basra and had interviewed only a tiny number of the scientists and officials that it wished to. Clearly there was much more to be done and UNMOVIC was gearing up to do it. The difficulty for UNMOVIC, even if had been given more time and resources, was the perennial challenge that all verifiers, face – verifying a negative, in this case the absence of Iraqi WMD capabilities.

UNMOVIC appeared at all times to act professionally and efficiently, despite the adverse conditions. Among these were the failure of Western states to provide adequate intelligence early enough and fully enough to permit it to move more quickly. The US Central Intelligence Agency (CIA) has subsequently admitted that it failed to provide the UN with information on 21 of the 105 sites in Iraq that the US had singled out before the war as being highly likely to house WMD. [Endnote: Douglas Jehl and David E. Sanger, "CIA admits it didn't give weapon data to the UN", "New York Times", 21 February 2004, www.nytimes.com.] Worse still, US intelligence officials have concluded that almost all of the Iraqi defectors whose information helped the Bush administration to make its case for war – and for an end to UNMOVIC inspections – exaggerated what they knew, fabricated tales or were coached by others in what to say.

Also difficult for UNMOVIC was the insinuation and carping from critics within or associated with the US Administration about its alleged shortcomings. In his book "Disarming Iraq", published in March 2004, Hans Blix has disclosed that US Vice-President Dick Cheney had told him in October 2002 that if UN inspections did not achieve results, "the US was ready to discredit inspections in favour of

disarmament", presumably by force. [Endnote: Ian MacIntyre, "Blix bombshell proves a damp squib", "The Times Review of Books", 13 March 2004, p. 13] Blix, as the head of an international organisation that was supposed to balance the interests of all UN member states, including Iraq, could clearly not engage in an open, all-out debate with such critics without further harming UNMOVIC's reputation. On the contrary, his official reports to the Security Council and public comments were a model of tact, balance and diplomacy.

If there was one failure by UNMOVIC to fulfil its mandate, much criticised by US officials, it was Blix's understandable reluctance to attempt to remove Iraqi scientists (accompanied presumably by their families) from Iraq for interview. Plans were, however, being developed, before UNMOVIC's withdrawal, for this to occur in another Arab state or possibly Cyprus. Some commentators suggest that this would not have helped much. Scientists might have still felt too intimidated by the Iraqi regime to have divulged much information of use.

Since the invasion of Iraq, the US appears to have had little success in inducing Iraqis to talk, or if they have agreed to do so they have revealed little or have actually denied the existence of WMD programmes or plans.

The subsequent failure of US and coalition forces and the Iraq Survey Group (ISG), comprising Australian, American and British inspectors, to uncover much more than UNMOVIC has, moreover, confirmed that UNMOVIC was succeeding in uncovering the truth. [29] David Kay, the first head of the ISG, told stunned US Senators on 28 January 2004 that "we were almost all wrong, and I certainly include myself here" about Iraqi WMD capabilities. [Endnote: Julian Borger, "The inspector's final report", "The Guardian", 3 March 2005, pp. 2 - 3] He later told "The Guardian" newspaper that "I was convinced and am still convinced that there were no stockpiles of weapons of mass destruction at the time of the war". While

some clandestine activities were continuing in Iraq, these were, he believed, driven more by corruption than by central direction.

A combination of UN sanctions, the part played by UN inspectors in locating, destroying and verifying non-production of WMD, and the nature of former President Saddam Hussein's autocratic regime, had, it turned out, prevented Iraq from reconstituting its WMD programmes. Blix himself has now concluded that: "If anyone maintains there are programmes then I would like to see evidence of that". [Endnote: Warren Hoge, "Ex-inspector has harsh words for Bush", "New York Times", 16 March 2004, www.nytimes.com.]

The UNMOVIC case has thus demonstrated that an international inspection body can perform creditably. It was able to prepare itself well, deploy quickly, use technology skilfully, organise itself efficiently, maintain its impartiality and produce sober, balanced reports of a high technical standard. It was also able to successfully follow such intelligence leads as it was given and reach quick and decisive conclusions. Unlike UNSCOM, it successfully avoided being taken advantage of by any UN member state, avoided unnecessarily offending Iraqi sensibilities and managed to parlay strong Security Council support into achieving Iraqi cooperation, if not proactive engagement and full compliance.

The UNMOVIC experience also demonstrated once more that full support of the Security Council, or at least its permanent membership, is essential for such a multilateral verification endeavour to succeed. In the UNSCOM case, one cause of failure was French and Russian reluctance to press Iraq to comply and to give UNSCOM full political support for its intrusive inspections. In the case of UNMOVIC, failure was caused by impatience on the part of the US and ultimately a preference for military means.

UNMOVIC's future?

It seems unlikely that UNMOVIC will be allowed to return to Iraq to complete its mandate. Hans Blix retired at the end of June 2003, and although he has been replaced in the interim by the Deputy Executive Chairman, Dr. Demetrius Perricos, there is no indication that a permanent head is to be appointed. Security Council Resolution 1483 of 22 May 2003 postponed a decision on the mandates and future responsibilities of UNMOVIC and the IAEA in Iraq, tacitly accepting the role of the US and the UK in further verification work there.

UNMOVIC nonetheless continues to exist and is maintaining a readiness to return to Iraq if requested to. Even with a reduced staff and logistical capability, UNMOVIC could support five to eight inspection teams and conduct 10 site visits per day, drawing on the more than 300 inspectors that remain on its roster. UNMOVIC continues to store and maintain essential inspection equipment in Cyprus. However, the continued lack of security in post-war Iraq, including for UN personnel, means it is unlikely that the UN Secretary-General would allow UNMOVIC to return to the country in the foreseeable future, even if the US agreed. The French and other Security Council members will not however permit UNMOVIC to be simply abolished.

Thus for the moment UNMOVIC languishes in limbo. Meanwhile, the European Union (EU) is considering how UNMOVIC's expertise and experience might be retained for future use. For example, UNMOVIC's rosters of experts could be maintained and combined with those the UN already has, for use by the Security Council when needed. Consideration could also be given to storing basic monitoring and verification equipment and other capabilities in the same way that the UN does for peacekeeping operations. Whether the idea of a permanent UNMOVIC, as a standby mechanism for future Iraq-type cases, is feasible, remains to be seen. It may have deterrent

value and actual utility in case of the need for urgent action. A permanent UNMOVIC would be especially useful in relation to biological weapons and missile proliferation, for which there are currently no verification bodies. Its relationship to other verification and inspection organisations and arrangements, notably the IAEA and the Organisation for the Prohibition of Chemical Weapons, would need to be carefully managed, but the relationship with the IAEA has set a good precedent in this respect. Although the expense of maintaining a full-scale UNMOVIC-in-waiting might be too prohibitive for UN member states to contemplate, an alternative might be to maintain a small core, with continuing biological weapons and missile verification capabilities, embedded in a much larger "virtual" organisation with the capacity for rapid expansion if and when needed. The UNMOVIC experience demonstrates – in political, operational and technical terms – both the exciting possibilities of, as well as the potentially daunting challenges facing, such multilateral verification endeavours.

References

1. This paper draws substantially on Trevor Findlay and Ben Mines, "UNMOVIC in Iraq: opportunity lost", in Verification Yearbook 2003, Verification Research, Training and Information Centre (VERTIC, London, 2003, pp. 45-63. For a review of UNSCOM see Stephen Black, *Verification under duress: the case of UNSCOM*, in Trevor Findlay (ed.), *Verification Yearbook 2000*, The Verification Research, Training and Information Centre (VERTIC), London, 2000, pp. 115-129.

2. Iraq had permitted routine inspections of its declared peaceful nuclear facilities and material in accordance with its IAEA safeguards agreement, but not the intrusive "challenge" inspections mandated by the Security Council after the Gulf War.

3. UN Security Council Resolution 687, 3 April 1991.

4. Summarised in "Report of the First Panel established pursuant to the Note by the President of the Security Council on 30 January 1999 (S/1999/100), concerning disarmament and current and future Ongoing Monitoring and Verification Issues", UN Document S/1999/356, 27 March 1999.

5. "Letter dated 27 January 1999 from the Permanent Representatives of the Netherlands and Slovenia to the United Nations addressed to the President of the Security Council", UN Document S/1999/94, 27 January 1999.

6. First mandated in UN Security Council Resolution 715, 11 October 1991.

7. "Letter dated 26 January 2000 from the Secretary-General addressed to the President of the Security Council, UN Document S/2000/60", 27 January 2000. The Council had been unable to agree on the Secretary-General's first choice, Rolf Ekéus, Swedish head of UNSCOM from 1991 until 1997.

8. The membership comprised representatives of Argentina, Brazil, Canada, China, Finland, France, Germany, India, Japan, Nigeria, Russia, Senegal, Ukraine, the UK and the US and of the United Nations Department for Disarmament Affairs.

9. Richard Butler, *Saddam Defiant: The Threat of Weapons of Mass Destruction, and the Crisis of Global Security*, Phoenix, London, 2000, p. 239.

10. The organisational plan for UNMOVIC was presented in *Note by the Secretary General*, UN Document S/2000/292, 6 April 2000.

11. "Report of the First Panel established pursuant to the Note by the President of the Security Council on 30 January 1999 (S/1999/100)", concerning disarmament and current and future Ongoing Monitoring and Verification Issues, UN Document S/1999/356, 27 March 1999.

12. The unresolved disarmament issues were listed in the form of clusters in "Unresolved disarmament issues – Iraq's proscribed weapons programmes", UNMOVIC working document, 6 March 2003, which was presented informally to the Security Council.

13. "Draft work programme", UNMOVIC document, 17 March 2003.

14. “Iraq’s Weapons of Mass Destruction - the assessment of the British government”, The Stationary Office, London, 24 September 2002.

15. “Memorandum of Understanding between the United Nations and the Republic of Iraq”, 23 February 1998.

16. Although UN Security Council Resolution 1154, 2 March 1998, had come close in asserting that “any violation would have severest consequences for Iraq”.

17. For a detailed log of the inspections see VERTIC’s online database of UNMOVIC and IAEA weapons inspections: http://www.vertic.org/onlinedatabase/unmovic.

18. “13th quarterly report of the Executive Chairman of UNMOVIC to the Security Council”, UN Document S/2003/580, 30 May 2003.

19. “Fifteenth Consolidated Report of the Director General of the International Atomic Energy Agency Under paragraph 16 of the UNSC Resolution 1051 (1996)”, 11 April 2003.

20. The percentages were as follows: Processing and production plants: 49%; Food and medicine production plants: 22%; Ammunitions production plants: 9%; Missile-related production plants: 16%; Other production facilities: 4%. Taken from “13th quarterly report of the Executive Chairman of UNMOVIC to the Security Council”, UN Document S/2003/580, 30 May 2003.

21. Iraq sent a letter on 10 February 2003 to UNMOVIC approving the use of U-2 and other aircraft for surveillance without any conditions.

22. Dr. Hans Blix, “Briefing of the Security Council, 7 March 2003: Oral introduction of the 12th quarterly report of UNMOVIC”, UNMOVIC document, 7 March 2003; “12th quarterly report of the Executive Chairman of UNMOVIC to the Security Council”, UN Document S/2003/232, 28 February 2003.

23. See “Implementation of United Nations Security Council resolutions relating to Iraq”, IAEA General Conference document GOV/2003/50-GC(47)/10, 8 August 2003 and “13th quarterly report of the Executive

Chairman of UNMOVIC to the Security Council", UN Document S/2003/580, 30 May 2003.

24. Secretary of State Powell admitted in late March 2004 that the claim appeared to have been based on faulty intelligence information (see Raymond Whitaker, New arms inspections chief "stalling" on elusive WMDs, The Independent on Sunday, 4 April 2004, p. 18).

25. Dr. Mohamed ElBaradei, *Status of nuclear inspections in Iraq: an update*, Statement to the UN Security Council, 7 March 2003.

26. The Russian expert was unable to attend.

27. Frank Ronald Cleminson, "What happened to Saddam's Weapons of Mass Destruction", *Arms Control Today*, September 2003, Vol. 33, N. 7, www.armscontrol.org.

List of Authors

Nadia Alexandrova Arbatova
IMEMO, Moscow (Russia);
arbatova@hotmail.com

Uday Bhaskar
Institute for Defence Studies and Analysis, New Delhi (India);
cmdebhaskar@rediffmail.com
cubhaskar@hotmail.com
ddidsa@rediffmail.com
bhasker@del2.vsnl.net.in

Bruce G. Blair
President of the Centre for Defence Information, Washington D.C. (USA);
bblair@cdi.org

Francesco Calogero
University of Rome I "La Sapienza" (Italy); Secretary General of the Pugwash from 1989 to 1997; Chair of the Pugwash Council from 1997 to 2002, of which he is now a member;
francesco.calogero@roma1.infn.it

Ralph Cossa
President of the Pacific Forum CSIS, Honolulu (U.S.A.);
pacforum@hawaii.rr.com
RACPacForum@cs.com

Paolo Cotta-Ramusino
University of Milan (Italy); Secretary General of the Pugwash; former Secretary General of USPID;
cotta@mi.infn.it

Nicola Cufaro Petroni
University of Bari (Italy); member of CIRP-UniBa, and Secretary General of USPID;
cufaro@ba.infn.it

Bas de Gaay Fortman
Utrecht University, and Institute of Social Studies, The Hague (Netherlands);
b.degaayfortman@law.uu.nl
bdgf@chello.nl

Hugo Estrella Tampieri
Universidad Nacional de Cordoba (Argentina), and Pugwash Giovani;
hstar@tutopia.com

Trevor Findlay
Executive Director of VERTIC, London (U.K.);
t.findlay@vertic.org

Marco Maestro
University of Bari (Italy), member of CIRP-UniBa;
marcomaestro@libero.it

Steven Miller
Director, International Security Program, Belfer Centre for Science and International Affairs, Kennedy School of Government, Harvard University (U.S.A.);
steven_miller@harvard.edu

Giuseppe Nardulli
University of Bari (Italy), member of CIRP-UniBa and USPID;
giuseppe.nardulli@ba.infn.it

Abdul H. Nayyar
Quaid-i-Azam University, Islamabad (Pakistan);
ahnayyar@sat.net.pk
nayyar@sdpi.org

Mahmood Sariolghalam
School of Economics and Political Science, National University of Iran, Tehran (Iran);
masario@ihcs.ac.ir

Ugo Villani
University of Rome "La Sapienza" (Italy);
ugo.villani@tin.it

ABOUT USPID

The Italian Union of Scientists for Disarmament (USPID, Unione Scienziati per il Disarmo - ONLUS) is an association of scientists established in 1982 with the purpose of providing information and analyses on various aspects of arms control and disarmament. Members of USPID believe that this task is part of the social responsibility of scientists.

The issues addressed by USPID include nuclear arms-control and disarmament, nuclear proliferation, consequences of nuclear explosions, control of fissile material, developments of military technology, conventional disarmament, chemical and biological disarmament, problems of conflicts and conflict resolution. Members of USPID, both individually and collectively, share their views with Italian policy-makers and opinion-makers.

USPID organizes conferences and meetings, including the biennial Castiglioncello conference (now at its 10th edition), courses and seminars in Italian Universities, courses for high-school teachers. USPID promotes the establishment of inter-departmental Centres affiliated to Italian Universities, and actively collaborates since many years with the CIRP-UniBa (Centro Interdipartimentale di Ricerche sulla Pace, Universita' di Bari). USPID collaborates with international organizations of scientists and other Italian institutions, such as: Archivio DIsarmo (Roma), Forum per i Problemi della Pace e della Guerra (Firenze). Members of USPID participate in Pugwash and Isodarco meetings. In 1995 USPID began a standing collaboration with Landau Network-Centro Volta, Como (Italy). This institution organizes, together with UNESCO and under the sponsorship of the Italian Ministry of Foreign Affairs, conferences and research projects on different topics, including disarmament, non-proliferation and scientific-technological aspects of International Security.