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**UNITED STATES' FOREIGN POLICY
IN THE POST-COLD WAR ERA:
AN EXPLORATION OF
INTERNATIONAL LEGITIMACY**

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by

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ABSTRACT

PhD Thesis by Annatina Müller-Germanà on

UNITED STATES' FOREIGN POLICY IN THE POST-COLD WAR ERA: AN EXPLORATION OF INTERNATIONAL LEGTIMACY

The thesis provides a systematic analysis of the international legitimacy of US foreign policy (US International Legitimacy, USIL) in the post-Cold War era (1989-2017), a topic not comprehensively addressed in scholarly literature.

The thesis examines the extent to which US foreign policy can be considered legitimate in the post-Cold War era from an academic/scholarly perspective. It develops a framework consisting of four key elements ('International Values and Norms', 'International Order', 'International Consensus' and 'International Society'), and combines this with the use of a '*Family Resemblance Concept (FRC)*'¹ approach to analyse and compare these elements across US presidential administrations. This framework is utilised as a lens to evaluate the extent that each US administration's foreign policy can be considered legitimate. The thesis makes five arguments and contributions to the scholarly literature:

First, the thesis argues that the understanding of USIL evolved in the post-Cold War era. This was influenced by multiple different factors. Second, it shows that US foreign policy didn't necessarily have to meet each of the four elements of the thesis' framework to be considered legitimate. Third, it explains that in terms of USIL, there are differences between the various US administrations: The foreign policies of the George H.W. Bush and Obama administrations can be considered mostly legitimate, of the Clinton administration partially legitimate and of the George W. Bush administration weakly legitimate. Fourth, it illustrates that for hegemonic states like the US, USIL acts both as a constraining and enabling component of US foreign policy. Finally, the thesis concludes that US foreign policy can be considered relatively legitimate in the post-Cold War era.

¹ RAPKIN, David P.; BRAATEN, Dan; "Conceptualizing hegemonic Legitimacy", in *Review of International Studies*, 35, 2009.

This thesis is dedicated to my late father, Antonio Germanà.

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Annatina Müller-Germanà
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LIST OF ABBREVIATIONS

ABM	Anti-Ballistic Missiles
AIDS	Acquired Immune Deficiency Syndrome
APEC	Asia-Pacific Economic Cooperation
CAFTA	Central America Free Trade Agreement
CFE	Conventional Forces in Europe Treaty
CIA	Central Intelligence Agency
CTBT	Comprehensive Nuclear-Test-Ban Treaty
EU	European Union
FTAA	Free Trade Agreement of the Americas
GATT	General Agreement on Tariffs and Trade
IAEA	International Atomic Energy Agency
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
IIC	Independent International Commission
IMF	International Monetary Fund
ISAF	International Security Assistance Force
ISIS	Islamic State of Iraq and al-Sham
MCA	Millennium Challenge Account
NAFTA	North American Free Trade Agreement
NATO	North Atlantic Treaty Organisation
NPT	Treaty on the Non-Proliferation of Nuclear Weapons
NTA	New Transatlantic Agenda
OEF	Operation Enduring Freedom
OSCE	Organization for Security and Cooperation in Europe
PKOs	United Nations' Peacekeeping Operations
PREPFAR	President's Emergency Plan for AIDS Relief
START	Strategic Arms Reduction Treaty
UK	United Kingdom
UN	United Nations
UNAMA	United Nations' Assistance Mission in Afghanistan
UNMIH	United Nations' Mission in Haiti
UNITAF	Unified Task Force
UNOSOM	United Nations' Operation in Somalia
UNSC	United Nations' Security Council
USIL	United States' International Legitimacy
US	United States of America
WB	World Bank
WMD	Weapons of Mass Destruction
WTO	World Trade Organisation

INTRODUCTION

The aim of this thesis is to analyse the United States of America's (US) foreign policy in the post-Cold War era in terms of international legitimacy, specifically for the period 1989-2017. For the purpose of this thesis, the international legitimacy of US foreign policy will be defined with the term of 'US International Legitimacy' (USIL). The thesis thereby aims to explore the extent to which the various US presidential administrations' foreign policies can be considered legitimate in the post-Cold War era from a scholarly/academic perspective. Thus, the thesis aims to investigate what USIL is composed of and how USIL may have evolved in the post-Cold War era. The thesis thereby seeks to explore in the existing scholarly literature what elements and characteristics of USIL have emerged in the post-Cold War era. It thereby seeks to explain the meaning of USIL by defining its major characteristics and contents from a scholarly/academic perspective. For the analysis of US foreign policy in terms of international legitimacy, the thesis establishes a scholarly/academic framework for the post-Cold War era by drawing upon the existing literature on both international legitimacy in general and more specifically on the works of authors, who have studied USIL for the post-Cold War era. The framework is then applied to the analysis of US foreign policy in the post-Cold War era and enables the thesis to make an academic judgment to assess the international legitimacy of post-Cold War US foreign policy.

This Chapter proceeds in four sections: (1) the first section illustrates the research problem. (2) The second the research rationale and background for the thesis. (3) The third section reflects on the central contributions and the originality of the thesis. (4) The fourth section explains the structure of the thesis.

The Research Problem

The research problem that this thesis seeks to address is to what extent US foreign policy in the post-Cold War era can be considered legitimate from an academic perspective. As Edward C. Luck observes, in the post-Cold War period, in public and scholarly discourse on US relations, "few terms are employed with greater frequency or less precision than 'legitimacy'".¹

Although there is literature both on international legitimacy as well as USIL, scholars have so far only restrictedly endeavoured to summarise both terms' characteris-

¹ LUCK, Edward C.; "The United States, International Organizations, and the Quest for Legitimacy", in PATRICK, Stewart; FORMAN, Shephard, (eds.); *Multilateralism and US Foreign Policy*, Boulder, CO, Rienner, 2002, p. 47.

tics into a comprehensive conceptualisation or framework that could be applied to the study of US foreign policy of the post-Cold War era. As such, scholars have discussed the issue of USIL with respect to some foreign policy acts of US administrations in the post-Cold-War era, like for example, the Kosovo intervention in the late 1990s or the Global War on Terror a decade later. Still, the existing literature lacks a detailed scholarly assessment and analysis of US foreign policy in terms of international legitimacy for the whole period of the post-Cold War era. So far, the existing literature has not adequately explained what USIL in the post-Cold War era is composed of and what its characteristics are either. Specifically, scholars disagree on the understandings of USIL, what it is composed of and when it is conferred. In general, the question of ‘whether US foreign policy has been legitimate in the post-Cold War era’ has not been studied comprehensively or accurately. In addition, ‘what elements and characteristics of international legitimacy and specifically of USIL have emerged in relation to US foreign policy in the post-Cold War’ is also a topic that has not yet been studied in detail.

As the Literature Review shows, authors have differing views about what international legitimacy and specifically USIL is composed of. In particular, those scholars² who have attempted to identify some components and characteristics of USIL for the post-Cold War era have limited themselves to study the contents of USIL during the George W. Bush administration, specifically regarding the international legitimacy claim of the Iraq intervention in 2003 and the Global War on Terror. Thus, the current scholarly literature has so far missed the opportunity to assess the meaning of USIL by extracting its components and major characteristics for the whole period of the post-Cold War era.

This is a remarkable scholarly gap, not least because the nature of the international order has changed fundamentally since the end of the Cold War, departing from a bipolar structure towards an international system dominated by a single hegemon, the US. This fundamental shift brought about a changed international order for the hegemon to act and influence global affairs. Thereby, the various US post-Cold War military interventions abroad led to the emergence of a debate on the international legitimacy of US foreign policy, highlighting the lack of a common understanding of USIL, its major characteristics and components, as the Literature Review in the next Chapter shows. Yet, the existing scholarly debate mainly concentrates on the period of George W. Bush’s presidency and limits itself to define USIL in the framework of the US interven-

² Ikenberry (2002), Gaddis (2003), Kagan (2004), Nye (2004), Tucker and Hendrickson (2004) or Walt (2005).

tion in Iraq in 2003 and the Global War on Terror. The authors having attempted to describe the characteristics of USIL in those years are Robert Kagan (2004) as a neoconservative thinker; Robert W. Tucker/David C. Hendrickson (2004) and G. John Ikenberry (2002) as liberal scholars, Joseph S. Nye (2004) as neoliberal author, John L. Gaddis (2003) and Stephen M. Walt (2005) as representatives of the realist school of thought.

These authors identify various elements characterising USIL, like for example America's adherence to the rule of law, its moderation in policy, its willingness to seek international consensus, or America's influence on international society³ as a whole. Still, this existing literature's explanatory power is limited either by a tendency to be overly context specific, i.e. mainly focusing on the foreign policy of the 43rd US president, or concentrating mainly only on a few aspects of USIL, i.e. for example on America's adherence to the rule of law or its willingness to seek international consensus. What the existing USIL literature misses to take into account are two essential issues, as the Literature Review in the next Chapter illustrates:

(1) First, the current USIL literature is missing a *holistic approach*: USIL has to be understood in the context of international legitimacy, and as the Literature Review explains, international legitimacy as term was studied by various scholars⁴: it is characterised by various components, it is based on various grounds and the bestowment of international legitimacy results in various effects. All of these aspects of international legitimacy have to be studied and included for being able to create a credible, comprehensive and detailed understanding and conceptualisation for USIL for the post-Cold War era. (2) Second, the existing USIL literature does not address the *evolutionary nature and dynamic process* underlying international legitimacy either. As the Literature Review describes, international legitimacy has to be understood as an evolutionary and dynamic phenomenon in international affairs. Various scholars of international legitimacy like Ferrero (1942), Barker (1990), Beetham (1991), Coicaud (1997) and Clark (2005) explain that international legitimacy is evolutionary, dynamic and influenced by multiple different factors, including the contents, aims and means of international relations; the actions of the dominant state of the international system; the international circumstances of the time; the relationships between states; the distribution of power; the

³ The thesis bases itself on the notion that an international society of states exists in the international system, convincingly defined by Hedley Bull as a „Group of states, [...] which become conscious of certain common interests and common values [...] and which form a society in the sense that they conceive themselves to be bound by a common set of rules in their relations with one another, and share in the working of common institutions.” Source: BULL, Hedley; *The Anarchical Society: A Study of Order in World Politics*, MacMillan Press, London, 1995, p.13. / The thesis uses the term of 'international community' as synonym to 'international society'.

⁴ Ferrero (1942), Barker (1990), Franck (1990), Beetham (1991), Hurd (1999) and Clark (2005).

international consensus existing at that time, the various political differences between the US administrations and the domestic compliance or opposition with respect to US foreign policy that the various US administrations had to face.⁵ Ignoring these bases for the understanding of USIL in the post-Cold War era and thus treating USIL as a static concept, as the various USIL authors have attempted so far, would mean creating an unrealistic and implausible understanding of USIL, which ignores one of the central characteristics of international legitimacy, which is its evolutionary and dynamic nature.

Thus, the thesis aims to fill this scholarly inadequacy by (1) exploring the meaning, contents and characteristics of international legitimacy and USIL, (2) establishing a framework summarising and combining the recurring elements of international legitimacy and USIL from the literature and (3) applying this framework to the analysis of post-Cold War US foreign policy to assess the relevant US administrations' foreign policies in terms of USIL. The result of this analysis is twofold. First, it produces a comprehensive and detailed framework on how to best understand USIL for the whole period of the post-Cold War era studied in this thesis, illustrating the characteristics and contents of USIL. Second, it suggests the degree of international legitimacy of the various post-Cold War US foreign policies from an academic perspective. Thus, the thesis seeks to answer the following main research questions:

- (1) To what extent can US foreign policy in the post-Cold War era be considered legitimate from an academic/scholarly perspective?
- (2) How can the international legitimacy of US foreign policy be analysed and understood in the post-Cold War era?
- (3) Did the international legitimacy of US foreign policy evolve in that period?

In the end, the thesis produces the following results:

First, the thesis argues that USIL in the post-Cold War era is best analysed and understood through a framework consisting of four major elements: these are 'International Values and Norms', 'International Order', 'International Consensus' and 'International Society'. Second, the thesis argues that the understanding of USIL evolved in the post-Cold War era. This evolution can be explained through the *Family Resemblance Concept (FRC)* approach, which illustrates that USIL in the post-Cold War era can be understood through recurring elements in US foreign policy, which should however not

⁵ FERRERO, Guglielmo; *The Principles of Power: The Great Political Crises of History*, Greenwood Press, New York, 1942, p. 49 / BARKER, Rodney; *The Political Legitimacy and the State*, Oxford University Press, New York, 1990, p. 32. / BEETHAM, David; *The Legitimation of Power*, Palgrave, New York, 1991, pp. 41-54. / COICAUD, Jean-Marc; *Legitimacy and Politics: A Contribution to the Study of Political Right and Political Responsibility*, Cambridge University Press, Cambridge, 1997/2004, p. 25. / CLARK, Ian; *Legitimacy in International Society*, Oxford University Press, Oxford, 2005, p. 252.

be regarded as static necessary and sufficient conditions, but are influenced by multiple different factors. Third, the thesis shows that US foreign policy did not necessarily have to meet each of the four elements of the thesis' framework to be considered legitimate. Fourth, the thesis explains that in terms of international legitimacy, there are differences between the various US administrations: the foreign policies of the George H.W. Bush and Obama administrations can be considered mostly legitimate, the Clinton foreign policy partially legitimate and the George W. Bush foreign policy can be considered weakly legitimate. Fifth, the thesis illustrates that for hegemonic states like the US, USIL acts both as a constraining and enabling component of US foreign policy. Finally, contrary to a large number of scholars in the literature, the thesis concludes that US foreign policy can be considered relatively legitimate in the post-Cold War era.

For the purpose of this investigation, the thesis uses Eugene R. Wittkopf, Charles W. Kegley Jr. and James M. Scott's definition of US foreign policy as being "the goals or objectives that US policymakers seek to attain abroad, the values (American ethos) that underlie those objectives and the instruments or tools to achieve them."⁶ Using this definition, one has to consider that the policymakers as referred to in the definition, offer diverse options, values, instruments and objectives in foreign policy based on the bureaucratic or administrative mission they represent. The thesis however considers that US foreign policymakers do behave in a unitary fashion. Thus, for the purpose of the thesis' examination, it delineates US foreign policy as America's goals and/or objectives, sought to be attained abroad, underlined by America's values or ethos. These are executed by the US administration in power, led by the respective US president, and includes the actions used to achieve those objectives. When speaking about the US administration the thesis refers to the relevant administration's top policymakers, including the US President and Vice-President, US Secretaries of State, of Defence and US top-diplomats at the United Nations (UN) or appointed for diplomatic missions. Such a general conceptual definition is useful in analysing US foreign policy, because it provides a practical approach for examining it across the various government and state actors over diverse time periods. This definition stems from the *Comparative Foreign Policy Analysis* discipline, which includes representatives like James M. Rosenau, Charles F. Herman, Pat J. McGowan and Howard B. Shapiro.⁷

⁶ WITKOPF, Eugene R.; KEGLEY, Charles W. Jr.; SCOTT, James M.; *American Foreign Policy*, Wadsworth Publishing, Belmont, 2002, p. 14.

⁷ ROSENAU, James M.; "Pre-Theories and Theories of Foreign Policy", in FARRELL, Barry R. (ed.); *Approaches to Comparative and International Politics*, North Western University Press, Evanston, 1966. / HERMAN, Charles F.; KEGLEY, Charles W. Jr.;

The Research Rationale

As the Literature Review will show, there are three major reasons why it is important for the field of international relations to study USIL in the post-Cold War era. They are related to the change in the international order after the end of the Cold War and the effects this change had on international legitimacy more in general. Generally, the study of international legitimacy is crucial because of:

- (1) its importance for the *stability of the international order*;
- (2) its influence on the *relationship between the dominant actor of the international system and its subordinates* and
- (3) its significance in *constraining or enabling the actions of the dominant state* in the system.

Due to the end of the Cold War and the emergence of the US as hegemon⁸ or sole superpower, this transition necessarily had consequences for the international legitimacy of the US, especially in relation to the three reasons stated above, which are explained more in detail below:

First, international legitimacy and its effects on the *stability of the international order*: Max Weber highlighted the importance of legitimacy for the acceptance and stability of an order defined by a dominant actor:

“Experience shows that in no instance does domination voluntarily limit itself to the appeal to material or effectual or ideal motives as a basis for its continuance. Every such system attempts to establish and to cultivate the belief in its legitimacy.”⁹

In Weber’s eyes, the belief in the legitimate actions of a dominant actor are important for that system to survive and continue. Henry Kissinger also emphasised the importance of legitimacy for the stability of an international order, by claiming that the relative stability of the post-1815 order in Europe was due to “a generally accepted legitimacy.”¹⁰ Thereby, this order was deemed legitimate if accepted by all major powers.¹¹ Also Kalevi J. Holsti¹² regarded legitimacy in his list of factors that potentially

ROSENAU, James N. (eds.); *New Directions in the Study of Foreign Policy*, Ellen & Unwin, Boston, 1987. / MCGOWAN, Pat J.; SHAPIRO, Howard B.; *The Comparative Study of Foreign Policy: A Survey of Scientific Findings*, Sage Publications, Beverly Hills, 1973.

⁸ A hegemon is usually understood to be an actor in an international system who outshines other actors within the international system in terms of power. Source: RAPKIN, David; “The contested Concept of Hegemonic Leadership”, in RAPKIN, David (ed.), *World Leadership and Hegemony*, Lynne Reiner Publishers, Boulder, 1990, p. 6.

⁹ WEBER, Max; *Economy and Society*, in ROTH, Guenther; WITTICH, Claus (eds.); University of California Press, London, 1978. p. 213.

¹⁰ In Kissinger’s view, legitimacy means an international agreement about the nature of workable arrangements and about the permissible aims and methods of foreign policy. Source: KISSINGER, Henry A.; *A World Restored: Metternich, Castlereagh And The Problems Of Peace, 1812-1822*, Weidenfeld & Nicolson, London, 1999, p. 1.

¹¹ *Ibid.*, p.1.

contributed to a stable international order and Adam Watson added that “legitimacy is one of the factors determining the stability of a system at a given time.”¹³ These scholars highlight that international relations should study international legitimacy accurately because of its positive effects on the stability of an international order.

Thus, in relation to USIL, when the Cold War came to an end in 1989 and the US had emerged as the only global superpower, even though the US was largely recognised to be the “winner” of the bilateral rivalry with the Soviet Union, as for example Navef H. Samhat and Rodger A. Payne¹⁴ state, few anticipated the near-total American pre-eminence that emerged in the 1990s in political, military, as well as economic terms. The emergence of the US as single global superpower had international society start questioning the legitimacy of this new order. Thus, the issue of how the US exerted its unique position of power as hegemon in the post-Cold War era has become an important aspect regarding the acceptance and recognition of America’s power. As David Beetham explains, legitimacy debates become relevant when a political order appears based on an imbalanced distribution of power within a society, because:

Those who are subordinates experience [the power on them] as constraining, often humiliating [...]. Those who hold power, [...] are themselves frequently at odds with one another over the scope of their power and the control over their subordinates, with potentially damaging consequences.¹⁵

Or, as Samhat and Payne argue: “The search for legitimacy is particularly applicable for those states whose power accords them a unique hegemonic status in world politics”¹⁶. Thus, the study of USIL for the post-Cold War era is relevant because of the effects the changed international order had on the international legitimacy of the US as new sole superpower. Not only international society, but also scholars and the media started questioning the international legitimacy of various acts of US foreign policy, as the thesis shows in the subsequent Chapters.

Second, the study of USIL in the post-Cold War era is also central because international legitimacy *defines and bases the relationship between a dominant actor of the international system and its subordinates*. As Samhat and Payne illustrate, when such an imbalanced order with a single hegemon emerges, societies normally develop rules and norms to control the use of power, which is then viewed as legitimate “to the

¹² HOLSTI, Kalevi J.; *Peace and War: Armed Conflicts and International Order, 1648-1989*, Cambridge University Press, Cambridge, 1991, pp. 337-339.

¹³ WATSON, Adam; *The Evolution of International Society: A Comparative Historical Analysis*, Routledge, London, 1992, p. 315.

¹⁴ SAMHAT, Nayef H.; PAYNE, Rodger A.; “American Foreign Policy Legitimacy and the Global Public Sphere”, in *Peace Review: A Journal of Social Justice*, September 2006, p. 245.

¹⁵ BEETHAM, David; *op. cit.*, 1991, p.3.

¹⁶ SAMHAT, Nayef H.; PAYNE, Rodger A.; *op.cit.*, p. 252.

extent that the rules of power can be justified in term of [normative] beliefs shared by both dominant and subordinate.”¹⁷ Also Beetham explained that a legitimate order has to be based on shared rules and beliefs between the dominant actor and its subordinates: power is ‘rightful or legitimate’ when it “is acquired and exercised according to justifiable rules, and with evidence of consent.”¹⁸ Luck adds that legitimacy rests on conformity to rules that are justifiable in terms of shared beliefs and that reflect the expressed consent of subordinates.¹⁹ A breach of rules will therefore lead to illegitimacy.

As a result, US foreign policy acts in the post-Cold War era had their effects on America’s international legitimacy, because it affected the relation the US had with the other members of the international system. This was mainly visible in the question about how the US executed its military power abroad (with UN Security Council (UNSC) approval or without), on what basis it took its military decisions (based on the consensus within the UNSC or based on another type of international consensus, e.g. within the North Atlantic Treaty Organisation (NATO) or another international coalition), or to what extent the US was committed to accepting legally binding international rules and principles (willingness to ratify international treaties). In addition, also America’s increased unilateralist stances and the effects of globalisation had their repercussions on how the US was viewed in terms of legitimacy when it exercised its power. Specifically, the growing drift towards unilateralism in US foreign policy during the terms of both the Clinton and the George W. Bush administrations, led to debates about the repercussions of the appearance of a hegemon in the international system of the post-Cold War international order. The unilateralist stances of both administrations highlighted America’s lack of faith in multilateral solutions to problems and the choosy adherence to international legal or moral constraints. This not only led to alienation between the US and its longstanding allies but also to important debates about the legitimacy of US power and US foreign policy.

Moreover, the end of the Cold War contributed to a monumental change in world societies stirred both by economic and financial globalisation as well as by the almost universal access to telecommunications and information technologies. This resulted in an unprecedented access to information around the world which enabled various communities to claim more rights and more political as well as economic equalities. This global political awakening, “transcend[s] sovereign borders and pose[s] a chal-

¹⁷ *Ibid.*, p. 17.

¹⁸ BEETHAM, David; *op. cit.*, 1991, p.3.

¹⁹ LUCK, Edward C.; *op.cit.*, PATRICK, Stewart, FORMAN, Shepard (*eds.*); *op.cit.*, p. 48.

lenge both to existing states as well as to the existing global hierarchy, on top of which America still perches”²⁰, as Zbigniew Brzezinski identified. Thus, modern populist political movements were launched, aiming at the eradication of these inequalities by challenging the US led order in political, social, economic and religious terms, thereby discrediting and delegitimising America’s hegemonic power. The increasing trend of America’s non-acceptance of certain international rules and norms (like for example the Comprehensive Test Ban Treaty (CTBT), the Rome Treaty establishing the International Criminal Court (ICC), the Kyoto Protocol on global warming or the recent American withdrawal from the Global Agreement on Climate Change of 2015²¹) can be explained by a political vision called ‘New Sovereignism’, which postulates three visions: first, that the content of the international legal order is vague and illegitimately intrusive on US domestic affairs; second, that the international law making process is unaccountable and its results are unenforceable; and third; that the US can as hegemon opt out of international regimes as a matter of power, legal right, and constitutional duty.²² In this view, it is in America’s power to pull out of international norms, even those universally accepted by other nations.²³ (The culmination of this political vision is reflected currently in the 45th US President Donald J. Trump’s slogan of ‘America First’). Consequently, America’s refusal to accept such international norms and regimes, led to a questioning of America’s status as legitimate superpower in the post-Cold War era by scholars, the media and the international public, as the thesis shows in the following Chapters.

Finally, the third reason for studying USIL in the post-Cold War era is mainly due to the fact that international legitimacy is important because *it constrains or enables the actions of the dominant state in the system*. Christian Reus-Smit highlighted that “effective influence depends on more than coercion, or the threat of non-participation; it depends on the degree to which a state’s policies and practices are deemed legitimate by other states and international public opinion.”²⁴ Thus, since power is an attribute of a relationship, in the same way as legitimacy is a characterization of a relationship between states, as the thesis shows in the subsequent Chapters, in Andrew Hurrell’s words

²⁰ BRZEZISNKI, Zbigniew; “The Dilemma of the last Sovereign”, in *The American Interest*, Vol. 1, Number 1, 1 September 2005, p. 41.

²¹ SPIRO, Peter J.; “The New Sovereignists: American Exceptionalism and Its False Prophets”, in *Foreign Affairs*, Vol. 79, No. 6, Nov. - Dec. 2000, p. 10. / The White House, *Statement by President Trump on the Paris Climate Accord*, Washington D.C., 1 June 2017, available online at <https://www.whitehouse.gov/the-press-office/2017/06/01/statement-president-trump-paris-climate-accord>, accessed in August 2017.

²² SPIRO, Peter J.; *op.cit.*, p.10.

²³ *Ibid.*, p.10. / RABKIN, Jeremy; Quoted in SPIRO, Peter J.; *op.cit.*, p. 12.

²⁴ REUS-SMIT, Christian, *American Power and World Order*, Polity Press Ltd., Cambridge, 2004, p. 4.

“even the most powerful need to legitimize their power.”²⁵ Moreover, as Inis Claude stated, “any political order needs to be legitimated if it is to have any staying power or be based on anything other than coercion.”²⁶ Thus, after the end of the Cold War, the US acted in ways that constrained others to follow its leadership. This was especially visible in the cases of the Panama intervention in 1989, the air strikes to Iraqi facilities in 1998, the Kosovo intervention of 1999, the war in Iraq in 2003 and with it the Global War on Terror along with the subsequent execution of the Drones Strikes Policy. These US foreign policy actions were mostly taken unilaterally by the US, side-stepping the authority of the UNSC to decide upon the legitimate use of force. This led to widespread condemnation by international society, the public, the media and scholars on the international legitimacy of America’s interventions, as the following Chapter show. Thereby, America’s hegemonic leadership was again debated having only few states following America’s actions. Ultimately, the US was mainly left alone to share the burden of keeping the international order.

Consequently, this shows that the end of the Cold War had international society, scholars, the media and the public debate USIL on various grounds: either (1) in terms of the behaviour and the role the US executed as sole superpower in the post-Cold War era; (2) because the US sometimes displayed a lack of commitment for international consensus, or for the collective security regime laid down in the UN Charter or for adhering to international treaties; or (3) due to America’s hegemonic position and its willingness to unilaterally take actions for the use of force abroad.

These various assaults on the international legitimacy of the US brought about the “delegitimation of America’s power”, as Stephen M. Walt argued²⁷. Others added that “the United States has a serious legitimacy problem”²⁸, that “distrust has undermined America’s international legitimacy”²⁹ or that “the struggle to [...] obtain international legitimacy in this new era may prove to be among the most critical contests of our time. [...] as significant in determining the future of the US role in the international system as any purely material measure of power and influence”³⁰. These statements echo a tendency in which legitimacy has spread and gained support among scholars and ana-

²⁵ HURRELL, Andrew; “There are no rules (George W. Bush) – International Order after September 11”, in *International Relations*, 16 August 2002, p. 192.

²⁶ CLAUDE, Inis, *Swords into Ploughshares*, Random House, New York, 1971, p 41.

²⁷ WALT, Stephen M.; „Taming American Power“, in *Foreign Affairs*, Sep/Oct2005, Vol. 84 Issue 5, pp. 105-120.

²⁸ TUCKER, Robert W.; HENDRICKSON, David C.; “The Sources of American Legitimacy”, in *Foreign Affairs*, November/December 2004, p. 18.

²⁹ BRZEZINSKI, Zbigniew; *Second Chance: Three Presidents and the Crisis of American Superpower*, Basic Books, New York, 2007, p. 146.

³⁰ KAGAN, Robert; “America’s Crisis of Legitimacy”, in *Foreign Affairs*, March/April 2004, available online at http://www.nytimes.com/cfr/international/20040301faessay_v83n2_kagan.html?pagewanted=print&, accessed in October 2014.

lysts of international relations. Various sides have claimed why US foreign policy in the post-Cold War era should or should not be seen legitimate. The bases for such an assessment have however always been rather different. Thus, the thesis seeks to elucidate the current scholarly debate about the international legitimacy of the US, by attempting to make a scholarly/academic analysis of the meanings, characteristics and components that international legitimacy in general and USIL specifically are composed of, based on the existing works of the current literature. Thereby, the thesis establishes a comprehensive scholarly framework, taking into account the whole period of the post-Cold War era studied in this thesis, and which can then be credibly applied to the analysis of post-Cold War era US foreign policy. The application of the thesis' framework will provide a scholarly/academic assessment regarding the extent to which US foreign policy in the post-Cold War era can be considered legitimate.

Contributions, Positioning and Originality of the Thesis

The added value of the thesis for the scholarly world is laid down in four ways:

First, the thesis is able to provide the scholarly world with a comprehensive and comparative analysis of US foreign policy in terms of international legitimacy for the post-Cold War era. This has so far not been systematically undertaken by scholars, mostly because of a lack of common understanding about the contents, characteristics and elements of USIL for the whole period of the post-Cold War era studied in this thesis. So far, scholars mostly focused in their USIL analyses either on a particular US administration or only considered one specific element of USIL. The thesis is able to move beyond these limitations by expanding this analysis to four USIL elements described in the thesis' analytical framework and applying them to the foreign policies of four post-Cold War US administrations. The thesis is able to suggest that USIL matters, because it can be considered a form of power and that greater determination should be given to encourage other states that the US 'vision' for international order is right and just. Success in this task would be effectively helpful, because it would be a much less costly means for the US to maintain international order, as the thesis highlights in various case studies, like for example the First Gulf War, the wars in the Balkans in the 1990s or the War in Afghanistan in 2001.

Second, the thesis provides the academic world with a novel and comprehensive framework to analyse USIL. This framework is innovative, because it bases itself both on the characteristics of international legitimacy and USIL, as defined by various au-

thors. Thereby it combines and complements the findings of various authors such as Ferrero, Barker, Franck, Beetham, Hurd and Clark, in terms of international legitimacy with those by Ikenberry, Gaddis, Kagan, Nye, Tucker/Hendrickson and Walt related to USIL to a common framework for the post-Cold War era.

Third, by establishing a framework based on the *Family Resemblance Concept* (FRC) introduced to the field of international relations by Rapkin and Braaten in 2009 (see Chapter 1.4 and 1.5 for further details), the thesis is able to lay down a nuanced and flexible understanding of USIL for the post-Cold War era. By doing this, the thesis is able to explain continuity and change and how different US administrations understood and acted within this context of USIL. Thereby the thesis shows that the various US foreign policies never had to meet all elements of the thesis' framework to be considered legitimate. This is the key finding of establishing a framework for the analysis of USIL based on the FRC approach. By attempting a clear but flexible framework, the thesis attempts to fill the scholarly void of a lack of framework for the post-Cold War era. Consequently, the research looks much deeper into the USIL debate than had been the case in former studies.

Fourth with the thesis' framework, the thesis both extends the analysis of US foreign policy in the post-Cold War era and the accounts on international legitimacy by providing a combination of both in a detailed manner. By this means, the thesis can clarify the concept of USIL for the post-Cold War era, an era international legitimacy has often been claimed by various sides, but never thoroughly understood in the context of US foreign policy.

Structure of the Thesis

Chapter 1 describes the Conceptual Framework of the thesis, including a comprehensive Literature Review on hegemony, and the components of both international legitimacy and USIL. It then outlines the thesis' methods and methodology, how the research questions will be answered and explains the analytical framework.

The thesis' historical account begins in Chapter 2 illustrating that the George H. W. Bush administration's foreign policy mostly met all of the framework's elements'. The adopted framework thus suggests that Bush's foreign policy can be considered mostly legitimate. Chapter 3 explains that the William J. Clinton administration's foreign policy partially reflected the elements of 'International Values and Norms' and 'International Order'. The elements of 'International Consensus' and 'International So-

ciety' were expressed more strongly. The thesis therefore suggests that the Clinton foreign policy can be considered partially legitimate. Chapter 4 lays down that the George W. Bush administration's foreign policy only slightly reflected the elements of 'International Values and Norms' and 'International Consensus', while the element of 'International Order' was not considered and the element of 'International Society' just experienced a very weak expression in US foreign policy. The framework thus suggests that the Bush foreign policy can only be considered weakly legitimate. Chapter 5 exemplifies that the foreign policy of the Obama administration mostly corresponded to and reflected the elements of 'International Values and Norms', 'International Order' and 'International Consensus'; 'International Society' played a weaker role. Thus, the thesis suggests that the Obama foreign policy can be considered mostly legitimate. The final Chapter illustrates the Conclusion of the thesis.

1. CONCEPTUAL FRAMEWORK

This Chapter proceeds in four sections. (1) The first section reflects on the concept of hegemony and American exceptionalism, two terms intrinsically related to the understanding of USIL for the post-Cold War era. (2) The second and third (3) section undertake a Literature Review both on international legitimacy in general and on USIL specifically, to extract the major characteristics and contents both terms are composed of. (4) The fourth section lays down and explains the thesis' framework by combining the identified common elements stemming from the Literature Review in section 2 and 3 to a coherent and comprehensive framework for the post-Cold War era. (5) Lastly, the fifth section introduces the analytical framework that has been developed for this thesis and explains how it is applied to the analysis of post-Cold War US foreign policy.

1.1 Literature Review on Hegemony and American Exceptionalism

As the Introduction shows, the study of international legitimacy as well as USIL in particular is intrinsically linked with the terms of 'Hegemony' and 'American exceptionalism' and more generally with America's role and power exerted since the end of the Cold War. Thus, it is necessary to examine the terms of 'Hegemony' and 'American Exceptionalism' regarding international legitimacy in general and USIL in particular.

The notion of hegemony is the subject of substantial literature¹. There are various conceptualisations of hegemony, which have a mutual understanding that a hegemon should outshine other actors within the international system in terms of power. Realists and liberals maintain that the US has been a hegemon since 1945, although only partially during the Cold War, because of the Soviet Union and its allies. At the end of the Cold War, both school of thoughts contended that the US became closer to a global hegemon as bipolarity gave way to unipolarity. Both realists and liberals have different views about their understanding of hegemony. Still, even though almost all of these conceptualisations describe hegemony as some sort of power relationship, differences emerge about the importance of norms and ideas in influencing hegemonic systems. These differences arise from presumptions about the nature of international structures, power and the forms of power able to be utilised by a hegemon to maintain order, as explained by Lavina R. Lee.²

¹ For a detailed conceptualisation of hegemony, see RAPKIN, David, *op.cit.*, 1990.

² LEE, Lavina R.; *US Hegemony and International Legitimacy: Norms, Power and Followership in the Wars on Iraq*, Routledge, New York, Position 268.

There are various approaches to hegemony: there is the *materialist* approach, which is realist in orientation, and includes hegemonic stability theory. It defines hegemony as a relationship of dominance in which a hegemon maintains international order by using its predominant material resources to reward and coerce subordinates.³ Questions of international legitimacy are second order concerns in this view. Prominent representatives of this school of thought are Kenneth Waltz, John Mearsheimer, Charles Kindleberger, Robert Gilpin and Hans J. Morgenthau.⁴ Stephen Brooks and William Wohlforth for example argue that the US's unrivalled military power enables it to impose its leadership.⁵ Neo-realists like Mearsheimer and Christopher Layne stress material interests because they see power at the centre of all international relations.⁶

The *normative* theorists (Gramscian and constructivists) describe hegemony as a socially accepted leadership role based mostly upon a hegemon's capability to lead international society by producing agreement and compromises around a political agenda for the realisation of common aims.⁷ A hegemon in this view is able to preserve order without having to depend strongly on force or inducement, as the subordinate states will mostly follow the hegemon's leadership due to the common recognition of the legitimacy of international order.⁸ Thus, hegemony is conceived as the result of legitimacy as well as power.⁹ Representatives of this school of thought are Antonio Gramsci, Robert W. Cox, Roger Simon and Alexander Wendt.¹⁰ The thesis supports the view that hegemony in the post-Cold War era should be conceptualised as a leadership role within international society, rather than through the material approach, as it is more suitable to offer a complete description of events in international relations in the post-Cold War era, pointing out the role of legitimacy as both a form of power as well as a constraint on power. This is reflected in terms of states' will to share the burden of maintaining international order.

³ *Ibid.*, Position 193.

⁴ WALTZ, Kenneth; *Theory of International Politics*, Addison Wesley Publishing Company, Reading, 1979. / MEARSHEIMER, John; *The Tragedy of Great Power Politics*, W.W. Norton & Company, New York, 2001. / KINDLEBERGER, Charles; *The World in Depression 1929-1939*, University of California Press, Berkeley, 1986. / GILPIN, Robert; *War and Change in World Politics*, Cambridge University Press, Cambridge, 1982. / MORGENTHAU, Hans J.; *Politics among Nations – The Struggle for Power and Peace*, The McGraw Hills Companies, New York, 1948.

⁵ BROOKS, Stephen G.; WOLFORTH, William C.; *World out of Balance: International Relations and the Challenge of American Primacy*, Princeton University Press, Princeton NJ, 2008, p.1.

⁶ MEARSHEIMER, John; *op.cit.*, 2011. / LAYNE, Christopher; *The Peace of Illusions: American Grand Strategy from 1940 to the Present*, Cornell University Press, Ithaca NY, 2006.

⁷ COICAUD, Jean-Marc; *op.cit.*, 1997/2004, p.11.

⁸ *Ibid.*, p. 11.

⁹ CLARK, Ian; *Hegemony in International Society*, Oxford University Press, Oxford, 2011, pp. 18-23.

¹⁰ MARTIN, James; *Gramsci's Political Analysis: A Critical Introduction*, MacMillan Press, London, 1998. / COX, Robert W.; "Gramsci, Hegemony and International Relations: An Essay in Method", in *Millennium: Journal of International Studies*, 12 (2), 1983. / WENDT, Alexander; *Social Theory of International Politics*, Cambridge University Press, Cambridge, 1999. / SIMON, Roger; *Gramsci's Political Thought: An Introduction*, Lawrence and Wishart, London, 1982.

Liberals theorists see hegemony as a mix of power and norms. Robert Keohane for example states that hegemony rests on the double premises that “order and world politics is typically created by a single hegemonic power [...] and that the maintenance of power requires stability.”¹¹ He argues that hegemony entails norms, rules and decision-making processes over coercion and bribery, but leaves it open how institutions, norms and their procedures are related to or depended upon economic or military power.¹² In the view of G. John Ikenberry, another liberal scholar, the American-led liberal rule-based hegemonic order has been ‘remarkably successful’, by championing multilateralism and global institutions, providing services and open markets.¹³ In his opinion, through hegemony and strategic partnerships, the US was able to create a fairly benign leadership, different from an imperial hegemonic order.¹⁴ Moreover, he argues that although US leadership in world politics has been increasingly challenged since the end of the Cold War, the liberal international order still remains resilient.¹⁵ A neoliberal scholar, Joseph S. Nye Jr., identifies that power does not in itself define outcomes; policy choices and how they are implemented also matter.¹⁶ Thereby he distinguishes modes of power: economic versus military, hard versus soft. He believes in the centrality of American values and power for the international order: for this, however, Nye strongly advocates a liberal approach including multilateralism, bargaining, and the promotion of US values through globalisation.¹⁷

Both realists and liberals share much in common. They both agree in understanding that any change from unipolarity to multipolarity is the result of America’s decline and the consequential rise of other powers. In fact, many realists and liberals nowadays portray the US as declining power.¹⁸ Realists differ about the fact if the US is a declining or secure hegemon, because they mainly have differences in how they judge power and its relative distribution. For liberals, who usually highlight both hard as well as soft power, these differences in judgements are more understandable. Still, both schools of thought agree that it is essential to preserve American hegemony. Michael Mandelbaum, a realist scholar, warned of the ‘chaos’ that would result if there was no

¹¹ KEOHANE, Robert O.; *After Hegemony: Cooperation and Discord in the modern World*, Princeton University Press, Princeton NJ, 1984, p. 31.

¹² *Ibid.*, p. 136.

¹³ IKENBERRY, G. John; *Liberal Leviathan*, Princeton University Press, Princeton NJ, 2011, p. 2.

¹⁴ *Ibid.*, p. 2.

¹⁵ *Ibid.*, pp. 2-10.

¹⁶ *Ibid.*

¹⁷ *Ibid.*

¹⁸ HUNT, Michael H.; *The American Ascendancy: How the United States Gained and Wielded Global Dominance*, The University of North Carolina Press, Chapel Hill NC, 2009, p. 322. / COX, Michael; “Is the United States in Decline -- Again?”, in *International Affairs*, Royal Institute of International Affairs, Vol. 83, No. 4, July 2007, pp. 643-653. / ZAKARIA, Fareed; *The Post-American World*, W. W. Norton & Co Inc., New York, 2008.

US hegemony.¹⁹ Liberals in addition see the US as “indispensable and exceptional” to the international system’s stability.²⁰ This view can be included in the school of thought of ‘American Exceptionalism’, which essentially states that America is an example, lighting the way forward for other countries; Walter Russell Mead for example describes US foreign policy as the product of “special providence”.²¹ In the view of American Exceptionalism, America’s role in the world is defined by a succession of unprecedented achievements (including America’s expansion over the continent, its independence, victory in both World Wars and ‘pre-eminence’ in the Cold War). This school of thought therefore sees some sort of messianic component for US foreign policy, which should embody political, economic and social values that should be copied by others.²²

Realists scholars like Walt relativize this view by arguing that although the US has certain unique qualities, the conduct of its foreign policy has been characterised primarily by its relative power and by the competing nature of international politics.²³ Similarly, two liberals and a realist, Brooks, Ikenberry and Wohlforth contend that US hegemonic leadership is benevolent because it offers political and economic benefits for the US and its allies and partners that compensate its costs.²⁴ Still, the post-Cold War era also highlighted the limits of America’s hegemony: the much-acclaimed ‘unipolar’ moment in the 1990s also saw various regional wars, with the US mostly incapable to enforce solutions consistent with hegemony;²⁵ ‘imperial overstretch’ became evident in the interventions in Afghanistan and Iraq in the years 2000s, as the US was not able anymore to implement its strategic objectives.²⁶ The debate among scholars regarding preserving or sustaining American hegemony will continue. Still, for the post-Cold War era it is surely true, as Layne observed that since the Soviet Union’s downfall, the maintenance of the America’s pre-eminence in a unipolar system has been the overriding grand strategic goal of every administration, beginning with that of US President

¹⁹ MANDELBAUM, Michael; *The Frugal Superpower – America’s Global Leadership in a Cash-Strapped Era*, Kindle Edition, Public Affairs, New York, 2011, pp. 9-16.

²⁰ DEUDNEY, Daniel; IKENBERRY, G. John; *Democratic Internationalism: American Grand Strategy for a post-Exceptionalist Era*, Council on Foreign Relations, New York, November 2012.

²¹ MEAD, Walter Russell; *Special Providence: American Foreign Policy and how it changed the World*, Routledge, New York, 2002, pp. 3-29.

²² RESTAD, Hilde Eliassen; *American Exceptionalism: An Idea that Made a Nation and Remade the World*, Routledge, New York, 2014, p. 46.

²³ WALT, Stephen M.; “The Myth of American Exceptionalism”, in *Foreign Policy*, 11 October 2011, available online at <http://foreignpolicy.com/2011/10/11/the-myth-of-american-exceptionalism/>, accessed in January 2018.

²⁴ BROOKS, Stephen G.; IKENBERRY, G. John; WOHLFOHRT, William C.; “Don’t Come Home, America: The Case against Retrenchment”, in *International Security*, Volume 37, Issue 3, Winter 2012/13, pp.7-51

²⁵ MACK, Andrew; „The Changing Face of Global Violence – Part 1“, in *The Human Security Report 2005*, Oxford University Press, Oxford, 2005, pp. 177-191.

²⁶ KENNEDY, Paul; *The Rise and Fall of the Great Powers: Economic Change and Military Conflict from 1500 to 2000*, Random House, New York, 1987, pp. 488-514 and pp. 514-535.

George H. W. Bush and leading to Obama, whose key foreign policy positions were largely staffed by veterans of the Clinton administration.²⁷

Consequently, these scholarly debates highlight that it is neither certain that the world is still witnessing a ‘unipolar’ order nor a ‘multipolar’ order.²⁸ American hegemony is probably still going to be a fact of life. Nevertheless, as the Introduction illustrated, the stability and endurance of any ‘hegemonic’ international order rests not only on the hegemon’s power but also on its legitimacy, as various authors identified.²⁹ As the following Chapters show, the US was confronted with a serious legitimacy debate regarding its power, its influence, the means and objectives to be attained in US foreign policy. The thesis will highlight that due to a lack of USIL, the US was increasingly left alone on global stage to counter various international crises. This led to a strategic over-extension, as Paul Kennedy³⁰ argued, which influenced Obama’s retrenchment strategy and culminated into the current slogan of the Trump administration to concentrate first on America.

Even though the various authors stated in this section do not agree on preferring either dispersion or concentration of power, what all these authors have in common with regard to the post-Cold War era, is that they share a common understanding that the stability of an international order is a function not only of the material distribution of power, but increasingly based on degrees of acceptance within international society; thereby acknowledging that hegemony cannot endure without legitimacy, as Ian Clark³¹ highlighted. As a result, the thesis has to consider what USIL might entail for American hegemony in the post-Cold War era, because, as this section illustrated, one of the necessary tools that US policy makers will have in their hands to prevent or delay America’s fading hegemony, is embracing the concept of the international legitimacy of America’s actions.

1.2 Literature Review on International Legitimacy

As the previous sections illustrated, the topic of legitimacy in international relations has not yet reached the importance it deserves by scholars in the past decades. Major scholars, such as Raymond J. Vincent and Peter Wilson, Michael N. Barnett and Jean Marc

²⁷ LAYNE, Christopher; „The Waning of US hegemony: Myth or Reality?“, in *International Security*, Volume 34, Issue 1, Summer 2009, p.148.

²⁸ HAAS, Richard; „The Age of Non-Polarity-What will follow US Dominance?“, in *Foreign Affairs*, Volume 87, No. 3, 2008, pp. 44-56.

²⁹ REICH, Simon; LEBOW, Richard Ned; *Good-Bye Hegemony!: Power and Influence in the Global System*, Princeton University Press, Princeton NJ, 2014, p. 23.

³⁰ KENNEDY, Paul; *op.cit.*, pp. 488-514 and pp. 514-535.

³¹ CLARK, Ian; *op.cit.*, 2011, p. 32.

Coicaud therefore argue that the detailed study of legitimacy in international relations has so far been ‘neglected’, ‘ignored’ or has simply been ‘left in its infancy’.³² While the notion of domestic legitimacy has been studied by various scholars, the study of international legitimacy was neglected generally due to the relative authority of realist ideas to the analysis of international relations, which have to a great degree omitted or restrained the role of international norms, values and institutions as having any instrumental or important effects. In 2005, Clark finally addressed the core of the problem by stating that “the reason for this consistent marginalization has not been disciplinary oversight, but rather a positive rejection of a concept widely considered as inappropriate to an international setting.”³³ Clark further argues that the lack of interest in legitimacy in international relations was also due to the content of the ‘international’ itself, i.e. to the lack of shared values that could form a common ground for legitimacy.³⁴ Coicaud further adds that “the international system displays a marked ‘normative indeterminacy’ that can support at best ‘different legitimacies’.”³⁵ Ian Hurd states that if the legitimacy discourse has resuscitated in the past few years, it has never “given a convincing account on how legitimacy works, what its genealogy is in a particular case, and what difference its presence makes for international relations theory.”³⁶

This section starts by introducing the thoughts of Max Weber and David Beetham on the concept of legitimacy, as they explain essential elements of international legitimacy and its nature.

Weber introduced the concept of legitimacy to Social Theory. His typology of legitimate ‘Herrschaft’³⁷ has provided the basis for the study of legitimacy in 20th century Sociology and Political Science. With ‘Herrschaft’ Weber means “a probability that a command with given specific content will be obeyed by a given group of persons.”³⁸ Weber defines ‘legitimacy’ in a sociological way meaning “the belief in the rightfulness of a given ‘Herrschaft’.”³⁹ This belief is the one of the relevant agents, not the norma-

³²Refer to VINCENT, Raymond J.; WILSON, Peter; “Beyond non Intervention”, in FORBES Ian.; HOFFMANN, Mark S. (eds.); *Political Theory, International Relations and the Ethics of Intervention*; St. Martin’s Press, New York, 1993. / BARNETT, Michael N.; “Bringing in the New World Order: Liberalism, Legitimacy and the United Nations”, in *World Politics*, 49(4). / COICAUD, Jean-Marc; *op.cit.*, 1997.

³³ CLARK, Ian; *op.cit.*, 2005, p. 11.

³⁴ *Ibid.*, p.11.

³⁵ COICAUD, Jean-Marc; *op. cit.*, 2001, p. 25.

³⁶ HURD, Ian; “Legitimacy and Authority in International Politics”, in *International Organization*, Vol. 53, N. 2, Spring 1999, p. 380.

³⁷ ‘Herrschaft’ is German. It can be translated as authority, reign, dominion, rule or power. In Max Weber’s meaning, however, these translations are problematic, since ‘authority’ is usually defined as ‘legitimate power’ (so that legitimate authority would be tautologic), while ‘domination’ or ‘reign’ is simply too strong a term, ‘rule’ too specifically political, and ‘power’ far too general. We should therefore stick with the German word ‘Herrschaft’, while summarizing Weber’s thoughts about legitimacy.

³⁸ WEBER, Max; *op.cit.*, 1978. p. 53.

³⁹ WEBER, Max; *Wirtschaft und Gesellschaft*, Tübingen, 1972, p. 549.

tive judgement of the investigator that is at issue. Weber also explains the types of legitimate order or also known as ‘the three pure types of authority’⁴⁰. In Weber’s eyes, a social order can only endure, if it is based on legitimacy. To pledge the existence of a social order, Weber describes the two ways in which the *legitimacy of an order* can be guaranteed, which are subjective (affectual, value rational or religious) or guaranteed by interest situations.⁴¹ He also explains the bases of legitimacy being tradition, faith and enactment.⁴² Thus, Weber introduces his famous typology of legitimate order or as he calls it ‘legitimate domination’⁴³, in German “*legitime ‘Herrschaft’*”⁴⁴, their pure versions being based either on rational, traditional or charismatic grounds.⁴⁵

For Weber, legitimacy is crucial, but not a necessary condition for ‘Herrschaft’. Legitimacy needs however to be considered for any social order for two main reasons. First, all those exercising power have a psychological need of self-justification and all those socially advantaged need to see their advantage as deserved or legitimate and not arbitrary.⁴⁶ Second, legitimacy also serves to the stability of ‘Herrschaft’ if those subordinate to it believe in its legitimacy as well, since obedience upon consideration of habit, self-interest, or personal inclination alone is relatively unstable.⁴⁷

Expanding on Weber’s approach to legitimacy, Beetham introduces the procedural and substantive conceptions of legitimacy. He explains that power is ‘rightful or legitimate’ when it “is acquired and exercised according to justifiable rules, and with evidence of consent.”⁴⁸ Accordingly, legitimacy rests on conformity to rules that are justifiable in terms of shared beliefs and that reflect the expressed consent of subordinates.⁴⁹ A breach of rules will therefore lead to illegitimacy, a discrepancy between rules and beliefs (or the absence of shared beliefs) to a legitimacy deficit, and the withdrawal of consent to delegitimation.⁵⁰ Further, Beetham points out that legitimation is multidimensional. He expands on Weber’s approach and suggests that power is legitimate if (1) it conforms to established rules (or is acquired and exercised in accordance with established rules); (2) the rules can be justified by reference to beliefs shared by both the dominant and the subordinate and (3) there is evidence of consent by subordi-

⁴⁰ WEBER, Max; *op. cit.*, 1978, p. 212.

⁴¹ *Ibid.*, p. 33.

⁴² *Ibid.*, p. 36.

⁴³ *Ibid.*, p.212.

⁴⁴ WEBER, Max; *op. cit.*, 1972, p. 165.

⁴⁵ WEBER, Max; *op.cit.*, 1978. p. 212.

⁴⁶ *Ibid.*, p. 491.

⁴⁷ *Ibid.*, p. 213.

⁴⁸ BEETHAM, David; *op. cit.*, 1991, p.3.

⁴⁹ LUCK, Edward C.; *op.cit.*, PATRICK, Stewart, FORMAN, Shepard (*eds.*); *op.cit.*, p. 48.

⁵⁰ BEETHAM, David; *op.cit.*, 1991, pp.15-20.

nates to the particular power relation.⁵¹ Beetham emphasizes that these three elements do not function independently of the institutions and individuals that embody them, so that legitimacy does not merely amount to “a sum of legitimations” that the powerful impose on their subordinates: “Legitimacy is not the icing on the cake of power, which is applied after baking is complete and leaves the cake essentially unchanged. It is more like the yeast that permeates the dough and makes the bread what it is.”⁵² As a result, legitimacy should not be regarded as a static concept, but as a dynamic process that may fluctuate depending upon the actions of the dominant. Accordingly, the power holder should both act in ways that sustain its legitimacy but also in ways retaining and building upon their legitimacy. Else, they might risk losing it. Therefore, according to Beetham, legitimacy is not “an-all-or-nothing affair”: a dominant state may exhibit some characteristics of legitimate rule without being fully legitimate or while losing legitimacy over the course of its tenure. Thus, negative actions by the dominant state also play a vital role in establishing or maintaining the level of a dominant’s legitimacy.⁵³

As Hurd explains further, “legitimacy is a subjective quality, relational between actor and institution, and defined by the actor’s perception of the institution. [...] It is the normative belief by an actor that a rule or institution ought to be obeyed.”⁵⁴ Two elements emerge: “Legitimacy being thought to be intrinsically bound up with adherence to established rules. In turn, these rules may be deemed appropriate either because they emanate from a ‘rightful source of authority’ (procedural), or because they embody ‘proper ends and standards’ (substantive).”⁵⁵ Hurd hereby essentially introduces the grounds on which an object is determined to be legitimate. These bases may be used to distinguish between *procedural*, *substantive* and *outcome-based* forms of legitimacy.⁵⁶

Procedural legitimacy is concerned with the instruments by which power is conferred and used. It selects the formal validity of power, concentrating on secondary rules about the making, changing and destruction of laws and the appointment and removal of officials.⁵⁷ Weber’s differentiation of social legitimacy was process-based as it concentrated on kinds of legitimacy that arise related to particular sources, rather than to the substance of the rules or actions generated by those sources. Procedural legitimacy helps to explain why actors are willing to support particular power relationships over

⁵¹ *Ibid.*, p. 20.

⁵² *Ibid.*, p. 39.

⁵³ *Ibid.*, pp.41-54.

⁵⁴ HURD, Ian; *op.cit.*, p. 381.

⁵⁵ BEETHAM, David; LORD, Christopher; *Legitimacy and the EU*, Longman, London, 1998, p. 3.

⁵⁶ FRANCK, Thomas M.; *The Power of Legitimacy among Nations*, Oxford University Press, Oxford, 1990, p.17-18.

⁵⁷ *Ibid.*, p. 17.

others even when they fail to serve their substantive interests in specific instances.⁵⁸ Thomas M. Franck defines legitimacy with two distinct elements. The first is that legitimacy should be understood as “a property of a rule or rule-making institution which itself exerts a pull towards compliance on those addressed normatively.”⁵⁹ The second consists in the fact that “the perceptions of those addressed by a rule or a rule-making institution that the rule or institution has come into being and operates in accordance with generally accepted principles of right process.”⁶⁰ Thus, Franck’s second element highlights that the tow to compliance is essentially procedural, rather than substantive.

Substantive legitimacy on the other hand is more focused on the aim served by the object of legitimation. Ernst Haas offers a substantive form of legitimacy by stating that “organisational legitimacy exists when the membership values the organisation and general implement collective decision because they are seen to implement the member’s values.”⁶¹ The most famous type of substantive legitimacy is concerned with justice, but it is also mirrored in works that seek to critique or justify given rules or institutions on various grounds (for example human rights, development etc.).

Output-based legitimacy is characterised as outcome-based or effectiveness based legitimacy. It judges the object seeking legitimation in terms of a given set of outcomes that are considered desirable.

Thus, these bases of legitimacy highlight that legitimacy has a temporal and dynamic nature. As Luck observed, “perceptions of legitimacy may grow or fade as conditions change. They are subject to political manipulation, as various parties seek to place their causes and interest on higher ground.”⁶² Claude adds that “power and legitimacy are not antithetical, but complimentary. Rulers seek legitimation not only to satisfy their consciences [as Weber argued] but also to buttress their positions.”⁶³

The best way to bring this procedural/substantive distinction into this thesis is to contrast legitimacy to some other concepts related to it. The arguments of the introduced writers so far suggest that legitimacy derives either from the formal idea of rule or law rationality (*legality*⁶⁴), on the one hand, or from substantial value rationality (*mo-*

⁵⁸ FRANCK, Thomas M.; *Fairness in International Law and Institutions*, Oxford University Press, Oxford, 1995, pp.7-9.

⁵⁹ FRANCK, Thomas M.; *op.cit.*, 1990, p.16.

⁶⁰ *Ibid.*, p.19.

⁶¹ HAAS, Ernst; *When Knowledge is Power: Three Models of Change in International Organizations*, University of California Press, Berkeley, 1990, p. 87.

⁶² LUCK, Edward C.; *op. cit.*, p. 48.

⁶³ CLAUDE, Inis; “Collective Legitimization as a Political Function of the United Nations”, in *International Organization*, Vol. 20 Issue 3, June 1966, p.368.

⁶⁴ Legality being lawfulness by virtue of conformity to a legal statute, to legal norms and legal principles. *Source*: BARKER, Rodney; *op.cit.*, 1990, p. 28.

ality⁶⁵/justice), on the other. In addition, in international relations theory, state conduct is also often measured in terms of *constitutionality*⁶⁶. The international discourse about legitimacy has traditionally relied on all of these elements generously (legality, morality and constitutionality). These elements supply most of the substantive content and the action process of legitimation at a specific point in time. Rodney Barker thereby explains that since legitimation is “an activity, not a property, it involves creation, modification, innovation and transformation.”⁶⁷

The practice of legitimacy is complex, since it often relates to these elements. However as Barker explains, “the practice of legitimacy does not correspond directly with any of these norms in particular.”⁶⁸ It is instead mediated through a political process of contestation and consensus building, which is filtered through prevailing distributions of power. Thus, the procedural element of legitimacy reveals itself as “a search for what can reasonably be accepted by international society as a tolerable consensus on which to take action.”⁶⁹ Consensus will be an important element to define legitimacy. It relates to legitimacy in the way that it allows international society to build a normative framework in which legitimacy can evolve over time. This was also highlighted by Guglielmo Ferrero, who stated that:

While the collateral values of legality, morality and constitutionality do shift over time, at any one point they take on the appearance of semi-permanent structures. The practice of legitimacy describes the political negotiation amongst the members of international society as they seek out an accommodation between those seemingly absolute values, and attempt to reconcile them with a working consensus to which all can feel bound.⁷⁰

Therefore, the substantive definition of legitimacy also depends on the existing consensus at a certain time, on what is defined as rightful authority and on what action is legally or morally defensible. As Clark puts it: “The substantive [element of legitimacy] refers to values and which, or which combinations, are to be privileged at any one mo-

⁶⁵ Morality being the concern with the distinction between good and evil or right and wrong; right or good conduct. *Source*: BARKER, Rodney; *op. cit.*, 1990, p. 34.

⁶⁶ Constitutionality being the status of a law, a procedure, or an act's accordance with the laws or guidelines set forth in an applicable set of deeply anchored general values, commitments of the society concerning the rights of individuals, social categories, organizations, or governments, embodied or inherent in a constitutional document. Constitutionality is the political realm of conventions, informal understandings and mutual expectations. At its core are political sensibilities about what can properly be done and how affairs should be conducted. Perception of the legal and moral state of play make their presence felt, but are neither separately nor collectively the determining factor. *Source*: BARKER, Rodney; *op. cit.*; 1990, p. 34.

⁶⁷ BARKER, Rodney, *op. cit.*; 1990, p. 30.

⁶⁸ *Ibid.*, p.32.

⁶⁹ CLARK, Ian; *op. cit.*, 2005, p. 25.

⁷⁰ FERRERO, Guglielmo; *op.cit.*, p. 49.

ment.”⁷¹ We may therefore say that the procedural element of legitimacy may influence the substantive definition of it.

Relating to the contents and the conceptualisation of international legitimacy, the thesis has to refer to Clark’s publication on ‘Legitimacy and International Society’⁷², as it is one of the only comprehensive and recent analyses of the understandings and contents of legitimacy in international relations. He describes what international legitimacy is composed of and specifically refers to the post-Cold War era. Clark puts forward four characteristics of international legitimacy: rightful membership, consensus, norms and equilibrium.

With the first characteristic, *rightful membership*, Clark explains that belonging to international society is a prelude for legitimacy. He illustrates that if a State is rightfully accepted into the Club of international society by its members and it both adheres to and implements its basic norms, international society confers legitimacy.⁷³ Clark argues that the strategy of the leading states in international society, after the Cold War especially, has been to secure widespread support for concepts of legitimacy that would specify civilized international behaviour and thereby outlaw those states that fall short of the requisite standards.⁷⁴ Further, Clark explains that since the end of the Cold War international society has not been anymore characterised by the values of universality and equality but by exclusiveness.⁷⁵ Accordingly, “states that are viewed as being hostile to the partnership underlying the society of states are typically deprecated as ‘rogue states’, and, as such, as ‘little more than international outlaws’.”⁷⁶ Thus, countries that are not considered equivalent members by international society will be treated differently. If they want to become full members, they may be forced to adhere to its rules or principles to be regarded legitimate.⁷⁷ Thus, the question of membership in international society becomes a strong argument to force ‘outsiders’ to adhere to the rules.⁷⁸

Clark’s second source of legitimacy in international relations is that of *consensus*. According to Clark, consensus has a vital role to play pertaining to legitimacy; as it touches on two elements of legitimacy: On the substantive level, consensus is required

⁷¹ CLARK, Ian; *op. cit.*, 2005, p.3.

⁷² *Ibid.*

⁷³ *Ibid.*, p. 174.

⁷⁴ *Ibid.*, pp. 174-180.

⁷⁵ CHOMSKY, Noam; *Rogue States: The Rule of Force in World Affairs*, South End Press, New York, 2000, p. 37./ DUNNE, Tim; „Sociological Investigations: Instrumental, Legitimist and Coercive Interpretations of International Society“, in *Millennium Journal of International Studies*, Vol. 30, No. 1, 2001, p.89.

⁷⁶ BAIN, William; “The Political Theory of Trusteeship and the Twilight of International Equality”, in *International Relations*, 2003, No 17 (1), p. 73.

⁷⁷ CLARK, Ian; *op. cit.*, 2005, p. 177. / SCHROEDER, Paul V.; “The New World Order: A Historical Perspective”, in *ACDIS Occasional Paper*, University of Illinois, Champaign, May 1994, p. 12.

⁷⁸ SCHROEDER, Paul V.; *op.cit.*, p. 12.

for the substance of normative principles and consensus is also required on the way these principles ought to be implemented. However, it would be too easy to declare that as long as consensus exists, legitimacy is its desired outcome. Consensus is characterised by denoting some kind of agreement and by being voluntaristic in nature.⁷⁹ Clark argues that international legitimacy is “less about expressing a consensus already present, than it is about accepting the obligation to produce a consensus where none might otherwise have seemed possible”.⁸⁰ Consensus should be pursued, because in a world in which it is in short supply, it should be achieved wherever possible.⁸¹

Clark demonstrates that legitimacy is a derivative of consensus and after the end of the Cold War, the UNSC became again the legitimate institution to seek international consensus.⁸² Moreover, he and Claude argue that prior to the end of the Cold War, it was not conceivable to consider the UNSC as the right international body for demonstrating the consensus of international society, though that the UN’s functions and roles in the process of “collective legitimation” were already deemed significant even in those difficult circumstances of the Cold War.⁸³ As the thesis shows in Chapters 2-5, UN structures are claimed to possess a special kind of legitimacy, as the uniquely recognized voice of international society on security matters. But when challenged with morality/legality, it seems that consensus is not only a source of legitimacy but also an effect/outcome of it.⁸⁴

Clark illustrates the third source of international legitimacy being *international norms*. His main argument is that one cannot separate these norms from legitimacy, nor can there be any exclusion of them, since they are interrelated with legitimacy, due to four reasons:⁸⁵ first, legitimacy does not possess an independent normative content on its own, by which a choice of one of these norms would be sufficient. Second, legitimacy is mediated through a composite of these norms, and cannot be ranged against them individually. Third, tensions arise much more between the three norms of morality, legality and constitutionality than between legitimacy and any of them. Finally, it is fundamental to understand that legitimacy is an aggregate of these norms. In addition, Clark explains, that there is no such thing as a distinctive scale of legitimacy values as

⁷⁹ RESCHER, Nicholas; *Pluralism: Against the Demand for Consensus*, Oxford University Press, Oxford, 1995, p.5. / PARTRIDGE, Percy Herbert; *Consent and Consensus*, Macmillan, London, 1971, p. 78. / WILLHOITE, Fred H.; “Political Order and Consensus: A Continuing Problem”, in *Western Political Quarterly*, No 16 (2), 1963, p. 295.

⁸⁰ CLARK, Ian; *op. cit.*, 2005, p.191.

⁸¹ *Ibid.*, p. 194.

⁸² *Ibid.*, p. 195.

⁸³ *Ibid.*, p. 194 / CLAUDE, Inis; *op.cit.*, 1966, p. 379.

⁸⁴ *Ibid.*, p.205.

⁸⁵ *Ibid.*, pp.205-208.

such. In Clark's eyes, legitimacy is a composite of these norms, both in a procedural and substantive way. Legitimacy thus "does not possess its own independent standard against which actions can be measured."⁸⁶ Legality for example is but one element of legitimacy. Clark explains that legitimacy denotes a combination of values and represents some balance amongst them. So, tension lies not within legitimacy and these norms, but between those norms themselves. Clark argues that what is and is not legitimate depends upon the balance between these norms.⁸⁷ Figure 1 illustrates the balance between the norms of legality, morality and constitutionality and legitimacy. It also depicts that consensus is the driving force that influences the balance between these norms and legitimacy.

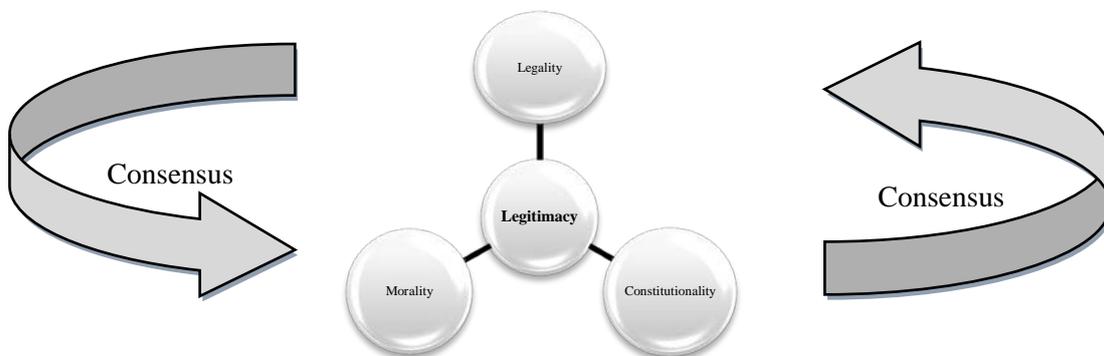


Figure 1 - The relationship between legitimacy and international norms - own illustration

In the matter of legality and legitimacy, as David Dyzenhaus wrote in 1997, the two terms are often used in parallel, or as synonymous respectively.⁸⁸ In the eyes of legal realists, for example, "the claimed distinction between legitimacy and legality dissolves."⁸⁹ Still, as Clark demonstrates, the increased use of the term legitimacy since the end of the Cold War indicates that even though the two concepts are very proximate, they cannot be considered as synonymous, as many military interventions starting in the 1990s have been described by international society, scholars or the international public as sometimes being 'illegal, but legitimate' (like the Kosovo Intervention in 1998) or as 'legal, but illegitimate' (like the War in Afghanistan in 2001). As Clark reveals, legitimacy is one vehicle for redefining legality by other norms. In fact, legitimacy always comes into play when legal grounds for assessing an action become unclear.⁹⁰

⁸⁶ *Ibid.*, p. 207.

⁸⁷ *Ibid.*, p. 208.

⁸⁸ DYZENHAUS, David; *et. al.*; *Legality and Legitimacy*, Oxford University Press, Oxford, 1997, p.1.

⁸⁹ FARER, Tom J.; „Humanitarian intervention before and after 9/11: Legality and Legitimacy”, in HOLZGREFE, J.L.; KEOHANE Robert O. (eds.); *Humanitarian Intervention - Ethical, Legal and Political Dilemmas*; Cambridge University Press, Cambridge, 2003, p. 68.

⁹⁰ SATO, Tetsuo; "The Legitimacy of Security Council Activities under Chapter VII of the UN Charter since the End of the Cold War" , in COICAUD, Jean-Marc; HEISKANED, Veijo (eds.); *The Legitimacy of International Organizations*, United Nations University Press, Tokyo, 2001, p. 340.

In his analysis of *morality* related to legitimacy, Clark introduces the concept of *pacta sunt servanda*, as it was explained by Franck⁹¹. Franck describes legitimacy and justice as “having something in common [since both encourage non-coerced compliance, but being nonetheless] discreet phenomena.”⁹² In Franck’s opinion, both legitimacy and morality are important but their reasons for existence, their relationship and their impact on each other are quite distinct.⁹³ As Franck explains, legitimacy can be considered as justice or as law. So, when one speaks about morality and legitimacy, the legitimacy discourse changes. It approaches itself to the concept of legality. Hence, if we were to claim that an action was immoral but legitimate, the word ‘legitimate’ would become to mean ‘legal’, while ‘morality’ links itself to moral values. As an example, with respect to the first Gulf War, Clark comes to the conclusion that “even if many felt morally unsure about the Iraq war in 1991, and yet – in legal terms- there was a predominant sense that the war was ‘legitimate’.”⁹⁴ If legitimacy is correlated with morality, legitimacy tends to overlap, in the popular discourse, with its ‘normative neighbour’ of legality.

Constitutionality is a term in international relations defined by Barker⁹⁵. Clark introduces the term in relation to legitimacy. He considers it to be the third essential norm to be considered in parallel with legitimacy. Constitutionality is characterised by the way that political affairs should be conducted and by capturing the wider context of political mediation. As Clark explains, constitutionality is the larger framework in which both moral and legal aspects can float. Constitutionality is also characterised by a search for consensus. Just as morality and legality cannot wholly be identified with legitimacy, neither can constitutionality accomplish this task. To show the importance of constitutionality related to legitimacy, Clark uses the definition of Ikenberry⁹⁶ explaining that the constitutionality of the post-World War II order resided in those multilateral institutions created not only but also by the US.⁹⁷ As a result, in so far as all participating states subscribed to those modalities, the order was less costly for the US to maintain, since it rested upon compliance and coercion. Consequently, legitimacy can be understood to be a function of a constitutional bargain. Constitutionality can adapt the

⁹¹ *Pacta sunt servanda* is an international legal principle governing state contracts. It is a Latin term which means agreements must be kept. It is the principle in international law which says that international treaties should be upheld by all the signatories.

⁹² FRANCK, Thomas M.; *op.cit.*, 1990, pp. 209-210.

⁹³ *Ibid.*, p. 234.

⁹⁴ CLARK, Ian; *op. cit.*, 2005, p. 217.

⁹⁵ BARKER, Rodney; *op. cit.*; 1990, p. 34.

⁹⁶ IKENBERRY, G. John; *After Victory: Institutions, Strategic Restraint, and the Rebuilding of Order after Major Wars*, Princeton University Press, Princeton, 2001, p. 29-32.

⁹⁷ CLARK, Ian; *op. cit.*, 2005, p. 235.

fastest compared to the other norms of legality and morality because it is related intrinsically with the system of power.⁹⁸

As a result, based on Clark's analysis of legality, morality and constitutionality, when legitimacy is used, these three norms come into play. However they do not signify the same thing, nor do they indicate a degree by which their fulfilments may guarantee legitimacy. Legitimacy, in fact, is more than the sum of these norms. It incorporates the element of political accommodation amongst their competing pulls. This process of mediation is done by degrees of consensus:

Legitimacy does not possess its own separate Richter scale of values against which an action can be judged [...] legitimacy is international society's aggregate instrument for seeking an accommodation between competing norms, and is essentially a political condition grounded in degrees of consensus about what is considered acceptable. Other norms, such as that of morality, feed into this overall process, without necessarily determining its outcome.⁹⁹

The final element in Clark's analysis of legitimacy is that of *equilibrium*, or also referred to as 'balance of power'¹⁰⁰. In Clark's view, power and legitimacy are necessarily interrelated for two major reasons. The first is that the need for legitimacy usually only arises in context of exercising power. The second is that legitimacy enhances power by making it less costly, since it makes power more effective through consensual empowerment. In Claude's classic three-fold typology for addressing the subject of power and international relations, he is of the view that "historically, the US view of balance of power has been characterized by the Wilsonian ideology of imbalance of power in favour of the forces of peace and justice as viewed from Washington".¹⁰¹ This thinking, resurged in recent US policy thinking¹⁰²: looking back to the 1990s, the US had to principally 'legitimize' its use of power to a handful of states, primarily delimited to Western Europe. Starting with the end of the 1990s and following into the years 2000s, with the rise of the BRICS¹⁰³, this endeavour has become more complicated. In fact, power should, in Clark's view, not be understood as was defined by Reus-Smit being something possessed in isolation¹⁰⁴, but exercised in relation to states. As a result, since the US is the most powerful state at the moment, the US should have a strong incentive to establish widely accepted principles of legitimacy, since, even Reus-Smit acknowledges

⁹⁸ IKENBERRY, G. John; *op. cit.*, 2001, p.29.

⁹⁹ CLARK, Ian; *op. cit.*, 2005, p. 219.

¹⁰⁰ According to Hans J. Morgenthau, 'balance of power' refers to a state of affairs in which power is distributed among several nations with approximate equality. *Source*: MORGENTHAU, Hans J.; *op.cit.*, p.221.

¹⁰¹ CLAUDE, Inis L.; *Power and International Relations*, Random House, New York, 1962, p.127.

¹⁰² BUSH, George W.; *The National Security Strategy of the United States of America*, The White House, Washington, D.C., 17 September 2002, p. 3, available online at <http://www.state.gov/documents/organization/63562.pdf>, accessed in August 2013.

¹⁰³ BRICS stands for Brazil, Russia, India, China and South Africa.

¹⁰⁴ REUS-SMIT, Christian; *op.cit.*, p.3.

that “effective influence depends on more than coercion, or the threat of non-participation; it depends on the degree to which a state’s policies and practices are deemed legitimate by other states and international public opinion.”¹⁰⁵ Since power is an attribute of a relationship, in the same ways as legitimacy is a characterization of a relationship between states, in Hurrell’s words “even the most powerful need to legitimize their power.”¹⁰⁶ Other scholars support the idea of legitimized power, too, such as Brzezinski, Nye or Ikenberry.¹⁰⁷ As a result, it is not US hegemony that is questioned. Rather, it is putting this hegemonic power in a legitimized setting that is the crucial part of the work, as Clark says: “What is at stake is not a narrowly conceived US interest in its own power, but the setting of US power in a framework that is acceptable to the broad range of other parties affected by it.”¹⁰⁸ Thus, ‘constitutionality’ is the framework in which US power can be legitimized. Legitimacy should be understood as a need to frame a constitutional order for this disequilibrium of power and only the element of constitutionality can do the most to achieve this. Clark highlights, that this understanding of ‘constitutionality’ not only refers to an institutional setting like the UN. It pertains crucially also to how power is exercised (unilaterally/multilaterally or use of force/diplomacy).¹⁰⁹ What constitutionality implies in relation to US power is that “it must be a leadership that is acceptable both to international society at large and also to the predominant state called upon to play that role.”¹¹⁰ Hence, the current distribution of power in favour of the US should give expression to a principle of hegemony that is broadly tolerable to most concerned and affected states, achieved through legitimacy.¹¹¹

As a result, stemming from this first part of the Literature Review, the various authors identify the following characteristics and contents of international legitimacy:

¹⁰⁵ *Ibid.*, p. 4.

¹⁰⁶ HURRELL, Andrew; *op.cit.*, p.192.

¹⁰⁷ BRZEZINSKI, Zbigniew; “Strategic Vision: America and the Crisis of Global Power”, in *The Diane Rehm Show*, 26 January 2012, available online at <http://thedianerehmshow.org/shows/2012-01-26/zbigniew-brzezinski-strategic-vision-america-and-crisis-global-power>, accessed in August 2013. / NYE, Joseph N.; *The Paradox of American Power: Why the World's Only Superpower Can't Go It Alone*, Oxford University Press, Oxford, 2003, pp.143-144. / ISCHINGER, Wolfgang; “Transatlantic Power, Legitimacy, and Credibility”, in *Internationale Politik*, Nr. 1, 2004, p. 3.

¹⁰⁸ CLARK, Ian; *op. cit.*, 2005, p. 240.

¹⁰⁹ *Ibid.* p. 241.

¹¹⁰ *Ibid.*, p. 242.

¹¹¹ *Ibid.*, pp. 255-256.

AUTHORS CHARACTERISTICS AND CONTENTS OF INTERNATIONAL LEGITIMACY

FERRERO (1942)	- Consensus building amongst the norms of morality, legality and constitutionality
BARKER (1990)	- Consensual mediation of the norms of morality, legality and constitutionality
FRANCK (1990)	- Adherence to generally accepted principles of right process
BEETHAM (1991)	- Conformity to established rules - Rules are justified by reference to beliefs shared by both the hegemon and its subordinates - Subordinates consent to their power relation with the hegemon
HURD (1999)	- Adherence to established procedures
CLARK (2005)	- Being a rightful member of international society - Being committed to consensus - Seeking an accommodation between the norms of morality, constitutionality and legality - Setting power in a framework that is tolerable to most affected states

Table 1 - The main characteristics of international legitimacy - own compilation

Four major topics can be extracted from this Literature Review: (1) the literature reveals that the adherence to generally accepted norms, procedures and principles, such as legality, morality and constitutionality, seems an important aspect of international legitimacy. (2) Clark and Beetham further emphasize that power has to be set in a framework that is tolerable to the dominant states' subordinates. (3) The scholars further lay down that a commitment to consensus and to the seeking of consensual solutions is another important factor influencing international legitimacy. (4) Lastly, Clark highlights that being a rightful member of international society is another element that characterizes international legitimacy. As a preliminary result of this Literature Review, these four topics can be summarised as follows:

- (1) International Values and Norms
- (2) International Order
- (3) International Consensus
- (4) International Society

Table 2 summarises and groups the various authors' descriptions of the contents and characteristics of international legitimacy by these four main elements.

	<i>Substantive</i>	<i>Procedural</i>	<i>Procedural</i>	-
	INTERNATIONAL VALUES AND NORMS	INTERNATIONAL ORDER	INTERNATIONAL CONSENSUS	INTERNATIONAL SOCIETY
FERRERO (1942)			Consensus building amongst the norms of morality, legality and constitutionality	
BARKER (1990)	Consensual mediation of the norms of morality, legality and constitutionality			
FRANCK (1990)	Adherence to generally accepted principles of right process			
BEETHAM (1991)	Conformity to established rules Rules are justified by reference to beliefs shared by both the hegemon and its subordinates	Subordinates consent to their power relation with the hegemon		
HURD (1999)	Adherence to established procedures			
CLARK (2005)	Seeking an accommodation between the norms of morality, constitutionality and legality	Setting power in a framework that is tolerable to most affected states	Being committed to consensus	Being a rightful member of international society

Table 2- Summarizing the main characteristics of international legitimacy - own compilation

The next section addresses the main characteristics composing USIL.

1.3 Literature Review on US International Legitimacy in the post-Cold-War era

As explained in the Introduction, the scholarly debate about USIL has become an increasingly important academic question since the end of the Cold War. As John Williams stated “what is and is not ‘legitimate’ in international politics is becoming a more important question as the certainties of the Cold War disappear.”¹¹² After the end of the

¹¹² WILLIAMS, John; “Nothing Succeeds Like Success? Legitimacy in International Relations”, in HOLDEN, Barry (ed.); *The Ethical Dimensions of Global Change*, St. Martin’s Press, London, 1996, p. 37.

Cold War, the international community was suddenly confronted with a significantly altered international order; an order characterised by a hegemon, the US, whose power could hardly be influenced or checked by the international community. Thus, the legitimacy of America's power and leadership in world affairs started to encounter a growing scepticism from Western European politicians but also the European public, who generally conferred the US legitimacy throughout most of the Cold War.¹¹³ Most of the rest of the world did not bestow the US with legitimacy for America's global leadership, except when it served their particular interests, and continued to question the legitimacy of American hegemony.¹¹⁴ There were, of course, exceptions to this trend: countries in Eastern Europe, in Asia and the Pacific started to worry about the rise of Russia or China and thus were still looking at the US for security and are still disposed to give legitimacy to American actions. From these perspectives, USIL should be considered a 'Western' concept.

The importance of legitimacy in international relations was formulated long before the end of the Cold War as the thesis illustrated in the Introduction. In the literature on USIL, however, there is a lack of a comprehensive and detailed analysis of the various understandings and conceptualisations of USIL in the post-Cold War era. Nor is there a thorough analysis of the legitimacy of US foreign policy in that period. The thesis aims to fill this scholarly void by introducing scholars, who have attempted to address these issues. These are David C. Tucker/Robert W. Hendrickson, Robert Kagan, G. John Ikenberry, Stephen M. Walt, John L. Gaddis and Joseph S. Nye Jr.. Still, the thesis has to recognise that their works have to be considered in a limited way, as these scholars mostly concentrate on analysing and reflecting on the understanding of USIL in the period of the George W. Bush administration and the Global War on Terror.

First, the scholarly debate between Tucker/Hendrickson and Kagan. In their article about "The Sources of American legitimacy"¹¹⁵, Hendrickson and Tucker, two liberal scholars, identify four 'pillars' of US legitimacy in the post-World War II period: first, the US's adherence to international law; second, consensual modes of decision-

¹¹³ Sources: Pew Research Centre, *Bush Unpopular in Europe, Seen as Unilateralist*, 15 August 2001, available online at <http://www.pewglobal.org/2001/08/15/bush-unpopular-in-europe-seen-as-unilateralist/>, accessed in March 2018. / Pew Research Centre, *America's Image in the World: Findings from the Pew Global Attitudes Project*, 14 March 2007, available online at <http://www.pewglobal.org/2007/03/14/americas-image-in-the-world-findings-from-the-pew-global-attitudes-project/>, accessed in March 2018. / Pew Research Centre, *European views of the U.S. on the decline*, 23 June 2017, available online at http://www.pewglobal.org/2017/06/26/u-s-image-suffers-as-publics-around-world-question-trumps-leadership/pg_2017-06-26-us_image-01-5/, accessed in March 2018.

¹¹⁴ Source: Pew Research Centre, *Tracking U.S. favourability and confidence in the U.S. President, 2002 to 2017*, 26 June 2017, available online at <http://www.pewglobal.org/interactives/us-image/>, accessed in March 2018.

¹¹⁵ TUCKER, Robert W.; HENDRICKSON, David C.; *op. cit.*, 2004, p.14.

making; third, the US's moderation in policy, and lastly, success in preserving peace and prosperity.

Regarding the *first element*, the adherence to international law, they claim that US foreign policy has predominantly respected it in the post-World War II era.¹¹⁶ They argue that former US administrations vowed the use of US power to international law and the preservation of peace, by constraining its power to international rules. Even though the US did not always 'scrupulously adhere'¹¹⁷ to the rules of the UN Charter, they state that "US leaders generally made every effort to square their actions with international law."¹¹⁸ Therefore, despite some transgressions, the overall loyalty of the US to international norms contributed to the legitimacy and credibility of US power.¹¹⁹

The *second element* is the acceptance of consensual decision-making, which can be defined as the will of the US "to seek for its policies the widest possible consensus within the Western alliance and within international society more generally."¹²⁰ The legitimacy of US power was, in Tucker and Hendrickson's view, enhanced by Washington's commitment to consensual modes of decision-making, which stemmed from the democratic character of the US and was reflected in the creation of multilateral institutions after World War II. Although the concerted system of decision-making envisioned by the UN Charter was an early victim of the Cold War, the US continued to seek for its policies the widest possible consensus within the Western alliance and within international society more generally.¹²¹

The *third pillar* in Tucker and Hendrickson's view is America's reputation for moderation in policy.¹²² They argue that after World War II, the US had assumed its responsibilities as guardian of the peace with genuine reluctance. As a result, European leaders worried that the US might sometime be tempted again by isolationism. By virtue of its geographic separateness, the US could have considered opting out of the superpower contest, as it had previously opted out of the Treaty of Versailles. In the eyes of Tucker and Hendrickson it was that very sense of unwilling participation that helped underpin US legitimacy. This attitude was thus particularly suited for the pursuit of

¹¹⁶ *Ibid.*, p. 15.

¹¹⁷ *Ibid.*, p. 11.

¹¹⁸ *Ibid.*, p. 23.

¹¹⁹ *Ibid.*, p. 25.

¹²⁰ *Ibid.*, p. 4.

¹²¹ *Ibid.*, p.4.

¹²² *Ibid.*, p. 6.

what scholars like Arnold Wolfers¹²³ called “milieu goals” relating to the broader international society, such as the preservation of peace.

Finally, the *fourth pillar* behind American legitimacy “was Washington's success in preserving peace and prosperity within the community of advanced industrialized democracies.[...] The widespread response within the free world was the belief that US power was [...] legitimate.”¹²⁴ Tucker and Hendrickson assert that although Western European and Japanese leaders sometimes worried that US belligerence might lead them in a war with the Soviet Union, peace among the great powers was preserved. Thus, as Tucker and Hendrickson argue, “it was not unreasonable to attribute the long peace to the persistence and stability of US power.”¹²⁵ Still, Tucker and Hendrickson contend that the US has lost its legitimacy in the post-Cold War era, since it did not anymore attach its actions of foreign policy to the pillars sustaining its legitimacy. In their eyes, the years when the US appeared as the hope of the world now seem long distant¹²⁶ and they conclude by stating that: “There is no simple and direct route to the recovery of US legitimacy.”¹²⁷

Ikenberry, a liberal scholar, anticipated Tucker and Hendrickson's claims in his article on “America's Imperial Ambition”, by stating that unchecked and illegitimate US power in the post-Cold War era, which disrespects and ignores international norms and the institutions of the international order, will conduct the US in a more antagonistic international system, making it harder to achieve US interests.¹²⁸ Besides, he argues that only by working within international institutions and by trying to reach international consensus can the US legitimise its power internationally.¹²⁹

Robert Kagan, a neoconservative scholar, criticises Tucker and Hendrickson's and also Ikenberry's arguments in his article on “Americas Crisis of Legitimacy”. Contrary to them, Kagan argues that “throughout the Cold War, the legitimacy of US power and of US global leadership was largely taken for granted, and not just by Americans.”¹³⁰ In his view, the vast majority of Europeans, although sometimes disagreeing with US foreign policy actions, nevertheless accepted US leadership as both necessary and desirable. He also asserts that the sources of US legitimacy during the Cold War were based

¹²³ Milieu goals are “foreign policy objectives [...] shaping the environmental conditions within which states operate, that is promoting economic, social and political conditions in the global environment.” Source: WOLFERS, Arnold; *Discord and Collaboration: Essays on International Politics*, The Johns Hopkins Press, Baltimore, 1962, pp. 67-80.

¹²⁴ *Ibid.*, p. 8.

¹²⁵ *Ibid.*, p.7.

¹²⁶ *Ibid.*, p.9.

¹²⁷ *Ibid.*, p.8.

¹²⁸ IKENBERRY, G. John; *op.cit.*, 2002, p. 56.

¹²⁹ *Ibid.*, p. 60.

¹³⁰ KAGAN, Robert; *op. cit.*, 2004, p. 24.

on the circumstances of the Cold War, and Washington's special role in it, that bestowed legitimacy on the US, at least within the West. In his view, before the end of the Cold War, American legitimacy among Europeans rested on three pillars, all based on the existence of the Soviet communist empire. First and second, Europe's perception that the Soviet Union posed a strategic as well as an ideological threat to the West. Third, that Cold War bipolarity conferred what he called "structural legitimacy" on the US.¹³¹ Hence, Kagan argues that it was this US role in leading the common defence against the Soviet menace that conferred legitimacy on US policy throughout the Cold War; not obeisance to the dictates of international law or to the 'dysfunctional' UNSC. Finally, he recognises that "when the Cold War ended, the pillars of US legitimacy collapsed along with the Berlin Wall and Lenin's statues."¹³²

The next scholar is Walt, a realist scholar. His book "Taming American Power" explains that a possible way of opposing US primacy in the world is the strategy of 'delegitimation' of US foreign policy, taking into account four possible sources of legitimacy for US foreign policy: first, the conformity with established procedures, which allows others to participate in the decision-making process; second, positive consequences, broadly beneficial for others; third, conformity with moral norms, and lastly, consistency with the 'natural' order, which equates to a belief that the US deserves its position of primacy.¹³³

With respect to the *first element*, Walt is of the opinion that US primacy is more legitimate when the US acts in accordance with established international procedures.¹³⁴ Walt explains that while the military intervention in Iraq of 1991 was legitimised due to the US's recourse to the UNSC, the intervention in 2003 was delegitimised due to its lack of conformity with the procedures established by the UN Charter. Walt explains that the only international institution to grant such broadly accepted international procedures in international law is the UN Charter.¹³⁵ An additional argument raised by Walt is the one of 'unilateralism': by using a multilateral approach in foreign policy, the US makes itself more acceptable abroad, as it gives other States an opportunity to deal with the issues at stake, too. Multilateralism was a characteristic in US foreign policy in the 20th century and its relations with other States were defined by this approach. Hence, it

¹³¹ *Ibid.*, pp. 24-28.

¹³² *Ibid.*, p. 17.

¹³³ WALT, Stephen M.; *op.cit.*, 2005, pp. 160-178.

¹³⁴ *Ibid.*, p. 162.

¹³⁵ ANNAN, Kofi; *The Secretary General's Address to the General Assembly*, United Nations, New York, 23 September 2003, available online at <http://www.un.org/webcast/ga/58/statements/sg2eng030923.htm>, accessed in September 2013.

is an element that can be regarded as giving a certain type of legitimacy to the US, as John G. Ruggie explained.¹³⁶

A *second source* of legitimacy for Walt is the beneficial outcome of US foreign policy for other States involved.¹³⁷ Walt illustrates that during the past seventy years of US foreign policy, US administrations have often made the case for the benevolence of US foreign policy in the world. This is usually illustrated by the economic reconstruction of Europe and Japan after World War II, the spread of democracy and human rights in the 1980s and 1990s, the liberation from oppression for certain people, such as Kosovo, or the defence against tyranny, as in the Korean War. These positive consequences, however, have to be reflected in relation to what the world thinks about the beneficial consequences of US foreign policy. As Walt highlights, in the case of Iraq, critics point to the failure to find Iraqi Weapons of Mass Destruction (WMD), the post-war sufferings of the Iraqi people, and the continued violence within Iraq to argue that the social and political costs of the war exceed the benefits claimed by George W. Bush. As a result, for Walt it is necessary that for legitimacy the US “is in fact acting for the greater good, and especially when at least some of the actions for the greater good are not also in the narrow US self-interest.”¹³⁸

Walt’s *third element* consists in the conformity with moral norms. He argues that “US primacy will appear more legitimate if it also appears to conform to prevailing moral norms.”¹³⁹ Walt illustrates his argument by examples such as the US ignoring the Rwandan genocide; international lawyers wanting to pursue the US for war crimes committed during the 1999 Kosovo intervention and the 2003 war against Iraq; or the atrocities committed by US soldiers in the Iraqi prison of Abu-Ghraib. In Walt’s view, all these acts gave a blow to US efforts to portray itself as a responsible global power with high moral ideals.¹⁴⁰ Finally, Walt argues that “if other can depict the US as either acting immorally or as being immoral, the less legitimate its position of primacy will appear. And the less legitimate it appears, then the harder the US has to work to gain support from others.”¹⁴¹

The *last element* of Walt’s sources of legitimacy for US foreign policy is the consistency with the so called ‘natural’ order. Walt explains that for many Americans

¹³⁶ RUGGIE, John G.; „Third Try at World Order? America and Multilateralism after the Cold War”, in *Political Science Quarterly*, Vol. 109, No. 4, Autumn 1994, p. 569.

¹³⁷ WALT, Stephen M.; *op. cit.*, 2005, p. 163.

¹³⁸ *Ibid.*, p. 166.

¹³⁹ *Ibid.*, p. 167.

¹⁴⁰ *Ibid.*, p. 168.

¹⁴¹ *Ibid.*, p.171.

the US role of 'primacy' results from the unprecedented history of the US itself, "the virtues of the US Constitution, the emphasis placed on freedom and individuality, and the dedication and initiative of the American people themselves."¹⁴² Still, as Walt explains, most of the world see the rise of the US merely as a 'normal' historical fact. As long as the US's role will be seen as such by the international community, the US will not have the legitimacy claim to its foreign policy that Americans would dream to have: "If the US is number one mostly because it was luck (instead of being unusually virtuous, farsighted, or wise), then there is no reason to regard American advice as better than anyone else's."¹⁴³ As a result, in Walt's opinion delegitimation is a valid strategy to oppose US primacy in the world.

John Lewis Gaddis, another realist scholar, also highlights *one element* that should characterise USIL specifically for the post-Cold War era, and this is linking US hegemony not only with legitimacy, but basing it on international consent and a modesty in US foreign policy aims. In his article about "Order versus Justice: An American Foreign Policy Dilemma",¹⁴⁴ Gaddis argues that from the time of US President Theodore Roosevelt to that of US President Richard M. Nixon, a fear for order had succeeded a concern for justice. He explains that it was in the post-Cold War era, i.e. especially in the 1990s, which saw an advancing hardening of the terms that made the post-Cold War era, in the words of Clark, "too much of an enterprise of political imposition, and too little of genuine consent"¹⁴⁵. Gaddis illustrates that the remaining states had to live with the fact of the "West's victory" and by the slowly increasing hegemonic confidence of the US as depicted in a tendency within the US to return unilateralism. In particular, this could be observed first during the Clinton administration (US will to bring Poland, Hungary, and the Czech Republic into NATO as quickly as possible¹⁴⁶ and both the interventions in the Bosnia and Kosovo conflict, against strong objections from Moscow) and during the George W. Bush administration, especially with regard to the Global War on Terror, the execution of the Pre-Emptive War Doctrine and the intervention in Iraq in 2003. Against this renewed unilateral US attitude and the rising challenges of a globalised world, Gaddis concludes that for the US to be sustainable in its post-Cold War foreign policy, US hegemony needed to be coupled with legitimacy, consent,

¹⁴² *Ibid.*, p.171.

¹⁴³ *Ibid.*, p.172.

¹⁴⁴ GADDIS, John Lewis; „Order versus Justice: An American Foreign Policy Dilemma”, in FOOT, Rosemary; GADDIS, John L.; HURRELL, Andrew; *Order and Justice in International Relations*, Oxford University Press, Oxford, 2003, pp. 155-175.

¹⁴⁵ CLARK, Ian; *The Post-Cold War Order-The Spoils of Peace*, Oxford University Press, Oxford, 2001, p. 253.

¹⁴⁶ For a detailed account, see e.g. GOLDGEIER, James M.; *Not Whether but When: The US Decision to Enlarge NATO*, Brookings Institution Press, Washington D.C., 1999.

and a modesty of aims. Similarly to what Kissinger already stated in 1957¹⁴⁷, Gaddis reiterates that for an international order to be maintainable, the key for the US is to link “hegemony with legitimacy.”¹⁴⁸

In his book “Soft Power: The Means to Success in World Politics”, Joseph S. Nye, a neoliberal scholar, illustrates *three elements* characterising USIL for the post-Cold War era: America’s soft power, the role of shared values and norms as the yardstick of legitimate US behaviour as well as America’s commitment to multilateralism.¹⁴⁹ With soft power, Nye means the ability of a country to persuade others to do what it wants without force or coercion; resting on an attraction to shared values and to the justness and duty of contributing to the advancement of these values.¹⁵⁰ Nye states that in post-World War II Europe, peace was essentially tied to “shared values about what constitutes acceptable behaviour among similar democratic states.”¹⁵¹ In his eyes, therefore, soft power is principally about legitimacy:

Legitimacy is central to soft power. If a people or nation believe American objectives to be legitimate, we are more likely to persuade them to follow our lead without using threats or bribes. Legitimacy can also reduce opposition to, and the costs of, using hard power when the situation demands.¹⁵²

In addition, in Nye’s opinion, legitimacy is tied to multilateralist policies that commit the US to acting through international institutions:

If a country can shape international rules that are consistent with its interests and values, its actions will more likely appear legitimate in the eyes of others. If it uses institutions and follows rules that encourage other countries to channel or limit their activities in ways it prefers, it will not need as many costly carrots and sticks.¹⁵³

All of the introduced authors in this section come from different school of thoughts. There are liberals (Ikenberry, Nye and Tucker and Hendrickson), realists (Gaddis and Walt) and a neoconservative (Kagan). Still, they identify quite similar elements USIL is composed of. Specifically, Tucker/Hendrickson, Ikenberry, Nye and Walt highlight the importance for America’s adherence to established procedures, international law and international moral norms. All authors but Nye suggest that contributing to a stable in-

¹⁴⁷ See KISSINGER, Henry A; *op.cit.*, 1957.

¹⁴⁸ *Ibid.*, p. 173.

¹⁴⁹ NYE, Joseph S. Jr.; *Soft Power: The Means to Success in World Politics*, Public Affairs, New York, 2004, p.7 / 11.

¹⁵⁰ *Ibid.*, pp.11-12.

¹⁵¹ *Ibid.*, p. 20.

¹⁵² ARMITAGE, Richard L.; NYE, Joseph S. Jr.; „Smart Power and the US Strategy for Security in a Post-9/11 World”, *Testimony before the Subcommittee on National Security and Foreign Affairs, House Committee on Oversight and Government Reform*, Washington D.C., 7 November 2007, available online at https://www.belfercenter.org/sites/default/files/files/publication/Nye_Armitage_Nov_7_2007_testimony.pdf, accessed in January 2018.

¹⁵³ NYE, Joseph S. Jr., *op.cit.*, 2004, pp 10-11.

international order, moderating its foreign policy and basing hard power on legitimacy is another important component of USIL. Ikenberry, Gaddis, Nye and Tucker and Hendrickson suggest that contributing to international consensual solutions and adhering to the principles of the UN Charter is also an important element for USIL. Finally, all authors but Ikenberry and Kagan stress the importance of using Soft Power, and contributing to positively influencing international society as another major element for USIL. Table 3 summarises the authors' findings regarding USIL:

	<i>Substantive</i>	<i>Procedural</i>	<i>Procedural</i>	-
	INTERNATIONAL VALUES AND NORMS	INTERNATIONAL ORDER	INTERNATIONAL CONSENSUS	INTERNATIONAL SOCIETY
IKENBERRY (2002)	US's respect of international norms	US power embedded in mutual security pacts	America's willingness to work with international institutions and seeking international consensus	
GADDIS (2003)		US power based on legitimacy	US power based on international consent	US power based on modesty in US foreign policy aims
KAGAN (2004)		US special role in the Cold War gave structural legitimacy to the US		
NYE (2004)	US commitment to international shared values and norms		America's commitment for multilateralism	America's ability to persuade others to do what it wants without force or coercion (Soft Power)
TUCKER AND HENDRICKSON (2004)	America's adherence to international law	America's moderation in the execution of its foreign policy	America's willingness to consensual modes of decision making	America's success in the preservation of peace and prosperity
WALT (2005)	America's conformity with established procedures and moral norms	America's willingness to accept the natural international order		America's contribution to influencing international society in a positive way

Table 3 - Summarizing the main characteristics and contents of USIL - own compilation

Interestingly, the USIL elements identified by the USIL scholars introduced in this section are quite similar to the ones identified by the scholars of international legitimacy:

The international legitimacy element of '**International Values and Norms**' is mirrored in USIL through 'America's respect of international norms', the 'importance

for the adherence to international law' and 'America's adherence to established procedures' (Tucker/Hendrickson, Ikenberry, Nye and Walt).

The international legitimacy element of '**International Order**' is depicted in USIL by Ikenberry's element of 'US power being embedded in mutual security pacts', Gaddis' element of 'US power being based on legitimacy', Tucker and Hendrickson's criterion of 'moderation in policy' as well as Walt's 'consistence with the natural order'. In addition, Kagan's view of the 'US role in the International Order' can also be included in that element.

'**International Consensus**', is reflected in USIL by Ikenberry's 'America's willingness to work with international institutions and seeking international consensus', Gaddis' 'US power being based on international consent', Nye's 'US commitment for multilateralism' and Tucker and Hendrickson's 'America's willingness to consensual modes of decision making'.

Finally, '**International Society**', is reproduced in USIL by Gaddis' reflection that US power should be based on modesty in US foreign policy aims, Nye's suggestion that America should use its Soft Power to persuade others, Tucker and Hendrickson's element of 'America's success in the preservation of peace and prosperity' and Walt's criterion of 'America's contribution to positively influencing international society'.

Still, there are differences between the scholars of international legitimacy and USIL. These are reflected in three major points: (1) *Evolution and Dynamic*: in contrast to the scholars of international legitimacy, the introduced scholars of USIL regard USIL as being characterised mostly by static necessary and sufficient conditions, which have to be fulfilled by the US to be regarded legitimate by those scholars. This is in contrast with what the scholars of international legitimacy, especially Beetham, Clark and Coicaud highlighted¹⁵⁴: in their view, international legitimacy is composed by distinct elements, but those elements have to be regarded in a dynamic and evolutionary way. The understanding of international legitimacy has evolved over time and is not comprised of necessary and sufficient conditions, but depends on various other factors, like for example the relationships between states, the actions of the dominant state of the system, or the existing international consensus, as the following Chapters of the thesis will expose. Thus, the thesis' framework will have to take into account the dynamic and evolutionary nature of international legitimacy to be plausible. (2) *Specificity*: While the scholars

¹⁵⁴ BEETHAM, David; *op.cit.*, 1991, p. 20, pp. 41-54. / COICAUD, Jean-Marc; *op.cit.*, 1997, p.25. / CLARK, Ian; *op.cit.*, 2005, p. 252.

of international legitimacy have identified elements of international legitimacy that can be defined as general, comprehensive and applicable to most historic timeframes and actors of the international system, the USIL scholars concentrated understandably mostly on what would characterise America's international legitimacy. Even though most of the international legitimacy criteria and the USIL elements are similar, a comprehensive and credible USIL conceptualisation for the post-Cold War era should take into account both sets of criteria/elements. Rather than e.g. simply focusing on the international consensus within the UN, as highlighted by USIL authors like Tucker and Hendrickson, the thesis' framework should take into account the whole spectrum of institutions in which international consensus could emerge, as Clark e.g. highlighted. (3) *Historical perspective*: While the scholars of international legitimacy analysed the characteristics of international legitimacy in various historical epochs, the USIL authors mostly concentrated on either the post-World War II era (especially Tucker and Hendrickson, Ikenberry and Gaddis) or specifically the Cold War era (especially Robert Kagan). Moreover, the USIL scholars wrote their articles during the time of the George W. Bush administration, and were thus forcefully biased by a USIL understanding which was very much influenced by the historical events taking place during the years of 2002-2005. In order to avoid this historical bias, the thesis' framework will thus have to enlarge the scope of the analysed historical period, by taking into account the elements reflected by the international legitimacy scholars, to create a comprehensive, historically accurate and credible USIL framework for the post-Cold War era. Taking these points into account, the following section will summarise and combine both the elements of international legitimacy and USIL in one framework in the next section.

1.4 Concept Formation

The previous sections illustrated the main elements international legitimacy and USIL are composed of. Essentially, the Literature Review on USIL in section 1.3 revealed that USIL is characterised by the similar main elements that international legitimacy is composed of. However, these comparable elements have to be contextualised to the context of US foreign policy, to the role of the US as hegemon and to the post-Cold War era. The dimensions of legitimacy as introduced in section 1.2 have also to be considered: The *procedural* dimension of legitimacy is depicted with the elements of 'International Consensus' and 'International Order'. The *substantive* dimension of legitimacy is depicted in the element of 'International Values and Norms'. The thesis will not

consider *outcome-based* legitimacy in the framework, because the boundaries of outcome-based legitimacy are often imprecise by a failure to differentiate objectively between legitimacy based on real, quantifiable outcomes and legitimacy based on potential beneficial outcomes. What this implies is that USIL has to be analysed through a framework consisting of four major elements:

- (1) **International Values and Norms** (based on Barker, Beetham, Clark, Franck, Hurd, Ikenberry, Nye, Tucker/Hendrickson, and Walt), depicting issues in US foreign policy related to legality, morality, constitutionality, rightful conduct, commitment to international law, conformity with established procedures, allowing others to participate in the decision-making process and the conformity with moral norms.
- (2) **International Order** (based on Beetham, Clark, Gaddis, Ikenberry, Kagan, Tucker/Hendrickson, and Walt), relating to topics in US foreign policy about the balance of power, moderation in foreign policy and the consistency with the natural order.
- (3) **International Consensus** (based on Clark, Ferrero, Gaddis, Ikenberry, Nye and Tucker/Hendrickson), describing situations in US foreign policy which considered international consensus on what norms an action should abide by, the legitimate use of force and consensus as the source and effect of legitimacy.
- (4) **International Society** (based on Clark, Gaddis, Nye, Tucker/Hendrickson and Walt), depicting acts of US foreign policy considering international society's tutelage over the composition of its various members, the relationship between domestic and international legitimacy, democratic self-determination, promotion of human rights, good governance and securing order and peace in the world.

Table 4 combines these various elements, thus creating a possible framework for the analysis of USIL for the post-Cold War era by summarising the findings of section 1.2. and 1.3 and adding the two dimensions of legitimacy:

<p style="text-align: center;">THESES - FRAMEWORK FOR THE ANALYSIS OF US INTERNATIONAL LEGITIMACY IN THE POST-COLD WAR ERA ANALYTICAL PERSPECTIVE: DYNAMIC, EVOLUTIONARY, BASED ON THE ERC APPROACH</p>						
		<i>SUBSTANTIVE</i>	<i>PROCEDURAL</i>	<i>PROCEDURAL</i>	-	
<p style="text-align: center;">INTERNATIONAL LEGITIMACY</p>		<p style="text-align: center;">INTERNATIONAL VALU-ES AND NORMS</p>	<p style="text-align: center;">INTERNATIONAL OR-DER</p>	<p style="text-align: center;">INTERNATIONAL CON-SENSUS</p>	<p style="text-align: center;">INTERNATIONAL SO-CIETY</p>	
		<p>Analytical perspective: International Legitimacy as dynamic, and evolutionary process, substitutable and complementary elements. =ERC</p>		<p>FERRERO (1942)</p>		<p>Consensus building amongst the norms of morality, legality and constitutionality</p>
<p>BARKER (1990)</p>	<p>Consensual mediation of the norms of morality, legality and constitutionality</p>					
<p>FRANCK (1990)</p>	<p>Adherence to generally accepted principles of right process</p>					
<p>BEETHAM (1991)</p>	<p>Conformity to established rules</p> <p>Rules are justified by reference to beliefs shared by both the hegemon and its subordinates</p>			<p>Subordinates consent to their power relation with the hegemon</p>		
<p>HURD (1999)</p>	<p>Adherence to established procedures</p>					
<p>CLARK (2005)</p>	<p>Seeking an accommodation between the norms of morality, constitutionality and legality</p>			<p>Setting power in a framework that is tolerable to most affected states</p>	<p>Being committed to consensus</p>	<p>Being a rightful member of international society</p>
<p>Analytical perspective: USIL composed of static, necessary and sufficient conditions</p>		<p>IKENBERRY (2002)</p>	<p>US's respect of international norms</p>	<p>US power embedded in mutual security pacts</p>	<p>America's willingness to work with international institutions and seeking international consensus</p>	
		<p>GADDIS (2003)</p>		<p>US power based on legitimacy</p>	<p>US power based on international consent</p>	<p>US power based on modesty in US foreign policy aims</p>
		<p>KAGAN (2004)</p>		<p>US special role in the Cold War gave structural legitimacy to the US</p>		
		<p>NYE (2004)</p>	<p>US commitment to international shared values and norms</p>		<p>America's commitment for multi-lateralism</p>	<p>America's ability to persuade others to do what it wants without force or coercion (Soft Power)</p>
		<p>TUCKER AND HENDRICKSON (2004)</p>	<p>America's adherence to international law</p>	<p>America's moderation in the execution of its foreign policy</p>	<p>America's willingness to consensual modes of decision making</p>	<p>America's success in the preservation of peace and prosperity</p>
		<p>WALT (2005)</p>	<p>America's conformity with established procedures and moral norms</p>	<p>America's willingness to accept the natural international order</p>		<p>America's contribution to influencing international society in a positive way</p>

Table 4 - Summarizing and combining the main characteristics and contents of international legitimacy (Chapter 1.2) with those of USIL (Chapter 1.3) - own compilation

This table creates the basis for the analytical framework of this thesis (see section 1.5). As the Literature Review shows, legitimacy and specifically international legitimacy are not static concepts, but evolve over time. Also, as Clark explained, international legitimacy is made up of elements that are recurring but which do not have to be all fulfilled as conditional and necessary conditions to confer international legitimacy.

As a result, the thesis' framework would be misleading, if it was not to take into consideration the aspect of adaptability, evolution and flexibility of international legitimacy. For this, the thesis' framework will be based on the *Family Resemblance Concept* (FRC) approach. The FRC approach was introduced to the field of legitimacy and international relations by Rapkin and Braaten¹⁵⁵ in 2009, stemming from Ludwig Wittgenstein in 1953¹⁵⁶. Wittgenstein developed the concept of FRC to designate concepts that overlap in usage while there is no single characteristic that unites all these usages. The word 'game' was the FRC example that Wittgenstein used: one for example chooses winning and losing as the main characteristics of the word 'game'. However, not all games can be attributed with this characteristic. Think of a solitary game, of a child playing with his imaginary friend or a lone child bouncing a ball against a wall. All of these examples could constitute a valid use of the word 'game'. However, no one wins or loses in those games, but they may be defined as games anyhow. As a result, the word 'game' is like the members of a family in which there are many overlapping characteristics without a single one being common to all, as Wittgenstein explains:

We see a complicated network of similarities overlapping [...]: sometimes overall similarities, sometimes similarities of detail. I can think of no better expression to characterize these similarities than "family resemblances"; for the various resemblances between members of a family: build, features, colour of eyes, gait, temperament, [...] overlap and criss-cross in the same way. And I shall say: 'games' form a family.¹⁵⁷

In a nutshell, the FRC therefore stipulates that just as the members of a family are prone to share a number of characteristics without any single characteristic being common to all members, so too do some concepts share a number of common, overlapping attributes without any exhibiting all of the attributes.¹⁵⁸ As Mark Haugaard puts it: "Wittgenstein developed the concept of Family Resemblance Concepts to denote concepts that

¹⁵⁵ RAPKIN, David P.; BRAATEN, Dan; *op.cit.*, pp.113-149.

¹⁵⁶ WITTGENSTEIN, Ludwig; *Philosophical Investigations*, Basil Blackwell Ltd., Oxford, 1958, p. 31.

¹⁵⁷ *Ibid.*; p. 32.

¹⁵⁸ *Ibid.*; pp. 32-34.

overlap in usage while there is no single essence that unites all these usages.”¹⁵⁹ Yet, the freedom given by using the FRC, as stated by Haugaard, “is [...] constituted by pragmatic criteria concerning usefulness. The result is a complex interrelationship of family members that converge and contrast.”¹⁶⁰

This conclusion entails that any framework for the analysis of USIL should be based on the FRC approach, because there can be no single best definition of USIL. Rather, any theorist who is interested in international legitimacy should be interested in a cluster of concepts. As Gary Goertz, Haugaard, Giovanni Sartori¹⁶¹ and Rapkin and Braaten showed is that FRC do not necessarily comply with the ‘necessary and sufficient conditions’ approach to concept formation. In Sartori’s view, the ‘necessary and sufficient conditions’ approach in Social Science requires “that each dimension of a concept be present and operative for a concept to apply. If there are three dimensions (X, Y, Z) then all three (X AND Y AND Z) are necessary”¹⁶². As a result, since they are all “necessary”, if one dimension is absent, the concept does not refer to the referent in question. Similarly, if one dimension is “sufficient”, then the others cannot be considered necessary. In Sartori’s words, “concepts formulated in ‘necessary and sufficient’ terms do not permit substitutes – if one dimension can substitute for another, then neither is necessary”¹⁶³. FRC are different in this respect. As Rapkin and Braaten show, “FRC are not comprised of necessary conditions; they focus instead on specification of the conditions under which multiple dimensions are substitutable for each other: X or Y or Z (or any two of three)”¹⁶⁴. The substitutability of multiple constitutive meanings is not unique to the FRC approach. In fact, in the context of formulating “substantive requirements for the legitimacy of global governance institutions”, Allen Buchanan and Robert O. Keohane, recognise that, “there might be extraordinary circumstances in which an institution would fail to satisfy one or two of them, yet still be reasonably regarded as legitimate”¹⁶⁵. They suggest that their “three substantive requirements are best thought of as what John Rawls¹⁶⁶ calls ‘counting principles’: the more of them an insti-

¹⁵⁹ HAUGAARD, Mark; Power, ‘A Family Resemblance Concept’, in *European Journal of Cultural Studies*, No. 13, 2010, p. 424. / COLLIER, David; MAHON, James E.; “Conceptual ‘Stretching’ Revisited: Adapting Categories in Comparative Analysis”, in *American Political Science Review*, 87, December 1993, pp. 845–55. / GOERTZ, Gary, *Social Science Concepts*; Princeton University Press, Princeton, 2005, pp. 10-11.

¹⁶⁰ HAUGAARD, Mark; *op. cit.*; p. 436.

¹⁶¹ SARTORI, Giovanni; “Guidelines for Concept Analysis”, in SARTORI, Giovanni (ed.), *Social Science Concepts*, Beverly Hills, Sage Publications, 1984, pp. 15–85.

¹⁶² *Ibid.*, p.22.

¹⁶³ *Ibid.*, p.25.

¹⁶⁴ RAPKIN, David P.; BRAATEN, Dan; *op. cit.*; p. 116.

¹⁶⁵ BUCHANAN, Allen; KEOHOANE, Robert O.; “The Legitimacy of Global Governance Institutions”; in WOLFRUM, Rüdiger, RÖBEN, Volker; *Legitimacy in International Law*, Springer, New York, 2008, p. 424.

¹⁶⁶ RAWLS, John; *A Theory of Justice*, Harvard University Press, Cambridge, MA, 1971, pp. 415–16.

tution satisfies, and the higher the degree to which it satisfies them, the stronger its claim to legitimacy.”¹⁶⁷ Rapkin and Braaten explain:

It is not that FRC is a superior way to deal with all social science concepts. The traditional necessary and sufficient conditions method may be better suited to some concepts, [...]. FRC is likely to be a better approach for concepts with more constitutive meanings. Such concepts are likely to be misformed and to provide less theoretical and empirical content if treated as necessary conditions.¹⁶⁸

Thus, the thesis’ framework has to be applied to the study of US foreign policy based on the FRC approach, because legitimacy is a multidimensional concept, as already introduced, comprised of, as Rapkin and Braaten call them, “*various secondary-level characteristics*.”¹⁶⁹ As can be seen by the works of Tucker and Hendrickson, their characteristics of USIL were treated as necessary conditions. The resulting concept of USIL denoted an empty set: no real-world instances can ever meet such stringent requirements. Similarly, narrowing the conceptual focus to only one or a few of these secondary-level characteristics, as was done by Kagan, is bound to yield partial and thus misleading results. To give an example, Tucker and Hendrickson argued that the 2003 intervention in Iraq could only have been regarded legitimate if it had been supported by the UNSC.¹⁷⁰ This treats the UNSC as a necessary condition for which there are no substitutes. Instead, as the thesis shows, UNSC approval is one of multiple elements of USIL, “none of which is necessary but which are substitutable for one another”¹⁷¹.

While the thesis bases itself mostly on Rapkin and Braaten’s idea of an international legitimacy conceptualisation based on the FRC approach, the thesis also moves away from it. The thesis does not share the dimension of ‘outcome legitimacy’ of their conceptualisation, as it is hard to analyse objectively, including aspects such as the beneficial outcome of US foreign policy. The major difficulty in assessing ‘outcome legitimacy’ is what standards and criteria should be used to define what a ‘sustainable’, ‘beneficial’ or ‘positive’ outcome of US foreign policy would entail. The thesis therefore moves away from this dimension of conceptualisation, while accepting Rapkin and Braaten’s substantive and procedural dimensions. The substantive dimension of Rapkin and Braaten’s conceptualisation is depicted in the thesis’ USIL element of ‘International Values and Norms’. The procedural dimension of their conceptualisation is depicted in

¹⁶⁷ BUCHANAN, Allen; KEOHOANE, Robert O.; *op.cit.*, p. 424.

¹⁶⁸ RAPKIN, David P.; BRAATEN, Dan; *op.cit.*; p. 116.

¹⁶⁹ *Ibid.*, p. 114.

¹⁷⁰ TUCKER, Robert W.; HENDRICKSON, David C.; *op. cit.*; pp. 26-28.

¹⁷¹ RAPKIN, David P.; BRAATEN, Dan; *op.cit.*; p. 116.

the thesis' USIL elements of 'International Consensus' and 'International Order'. In essence, the thesis bases itself mostly on Rapkin and Braaten's conceptualisation for USIL, apart from the above mentioned differences, but operationalizes it by effectively applying it to the analysis of US foreign policy in the post-Cold War era.

1.5 Analytical Framework

In the view of the above and in order to answer the thesis' research questions, the thesis lays down the following analytical framework.

Research questions:

- (1) To what extent can US foreign policy in the post-Cold War era be considered legitimate from an academic/scholarly perspective?
- (2) How can the international legitimacy of US foreign policy be analysed and understood in the post-Cold War era?
- (3) Did the international legitimacy of US foreign policy evolve in that period?

The thesis' analytical framework will consist of the framework as introduced in section 1.4, based on the FRC approach. This framework will be applied to the analysis of US foreign policy in the post-Cold War era in a comparative, empirical and historical analysis. For this, the thesis examines key foreign policy actions¹⁷² of the relevant US administrations in office starting with George H. W. Bush and ending with Barack H. Obama, i.e. studying the period of 1989-2017. Their foreign policies will be analysed along each of the USIL elements according to the thesis' framework. Thereby the thesis will be able to explain and compare the possible differences and evolutions of USIL during the post-Cold War era. The analysed foreign policy actions of the various US administrations were chosen for the following reasons: because of (1) the international legitimacy claims and discussions they raised; (2) they had substantial consequences and effects abroad, on the international order and America's major allies; (3) they raised considerable discussions to reach (or not) an international consensus; (4) they influenced and affected a large majority of actors in the international system; (5) they created widespread debate within international public opinion, the press or scholars and (6) some of these US foreign policy actions' consequences had long-lasting repercussions.

For the George H. W. Bush administration, the investigated US foreign policy actions are the US intervention in Panama of 1989, the First Gulf War of 1990-1991, the crises leading to the breakup of former Yugoslavia starting in 1991 and the Somalia

¹⁷² For the definition of US foreign policy as used in this thesis, please refer to the Introduction Chapter (The Research Rationale).

crisis starting in 1992. Additionally, US foreign policy actions regarding the end of the Cold War, the reunification of Germany, the negotiations leading to the Conventional Forces in Europe Treaty (CFE), the creation of the Asia-Pacific-Economic-Cooperation (APEC) and the North American Free Trade Agreement (NAFTA) will be examined.

In the William J. Clinton administration, the continuing crises leading to the breakup of former Yugoslavia, which started in 1991 and lasted until 1999, ending with the Kosovo war; the effects of the Somalia crises which began in 1992, the crisis in Rwanda of 1994, the crisis in Haiti of 1994 as well as the crisis with Iraq in 1998 are scrutinized. Moreover, the Clinton administration's actions in relation to the Middle East Peace Process, the Northern Ireland Peace Process, the creation of the World Trade Organisation (WTO) and the expansion of NATO along with the signing of various international treaties are part of the analysis.

During the George W. Bush administration, America's foreign policy actions linked to the 9/11 attacks will be examined in detail, including the US led intervention in Afghanistan in 2001 and in Iraq in 2003, the Global War on Terror and the execution of the Pre-emptive Strike Doctrine. Also, the administration's actions related to international AIDS relief, free trade negotiations, development assistance as well as America's commitment to international law will be investigated.

Finally, for the Barack H. Obama administration, the continuation of the Pre-Emptive-War Doctrine, the crisis in Libya of 2011, the non-intervention in the Syrian conflict starting in 2011 and the US reaction to the Arab Spring will be explored. Furthermore, America's international actions regarding climate change, the relations with Iran and Cuba, as well as nuclear disarmament and security are assessed.

For this analysis to be plausible, however, the assessment of each of the elements has to be guided by a specific perspective, and lies to a significant degree in the eye of the beholder. As the Literature Review illustrated, legitimacy is a subjective concept that depends upon the perceptions of a given audience: the conferral of legitimacy has to be understood as a normative judgment, which is in turn drawn from shared understandings of appropriate behaviour within an international society. Thus, USIL should also be analysed in terms of actors of this international society. As stated in the Introduction, the thesis bases itself on the definition of international society by Hedley Bull. Still, the analytical perspective used in this thesis to analyse USIL is a scholarly/academic judgment of the author according to the established USIL framework of the thesis. This means that the various US foreign policies will be evaluated by the author

in a scholarly/academic judgment on their congruence with the thesis' framework. Thereby, the author will be able to assess if and to what degree the relevant administration's foreign policy can (or not) be judged internationally legitimate. Therefore, the thesis does neither judge the US by its own standards, nor assess whether the various US administrations in question believed they were actually acting internationally legitimately nor whether other members of international society or international institutions judged the US to be legitimate in their foreign policy actions. Thus, to guide the analysis of each of the framework's elements in the respective US foreign policies, the thesis examines the following sub-questions to the main research questions, which are:

- a. In what way were the contents of each of the four elements of the framework reflected in the relevant administrations' foreign policies?
- b. How did the various US foreign policies meet or correspond to the framework's elements?

In each of the presidential Chapters, the four identified elements of the framework will be analysed separately along with these sub-questions.

The first element (**International Values and Norms**) will be analysed with the help of three indicators: first, the contents of the administration's foreign policy mirrored with the shared values of international society of the time, as well as expressing US conformity with its established procedures. Second, US military interventions analysed according to their claim to morality and legality. This allows assessing America's commitment to international law. The second element (**International Order**) will be evaluated by the aims, developments and outcomes of some key US military interventions abroad. This assesses the administration's will to accept the natural order and its willingness to execute a moderate foreign policy. The third element (**International Consensus**) will be analysed with two indicators. First, the administration's commitment to multilateralism, consensual decision making and to the UN. Second, the legitimate use of force, to demonstrate that consensus can be used as a legitimizing tool for the use of military force. The fourth element (**International Society**) evaluates the US role within international society through the analysis of America's acceptance of international society's composition at the time, and America's role in shaping international society with the means of its foreign policy.

Based on the outcome of each element's examination, the author will then assess the reflection of each of the USIL elements in the respective US foreign policy with two steps: (1) The contents of the various US foreign policies will be examined according to

their congruence with the contents of each of the USIL elements identified in the thesis' framework (see Table 4): the more each of the elements' contents are reflected in the relevant US foreign policy, the more the relevant US foreign policy corresponds to the contents and the definition of the relevant USIL element in question (the scale for assessment is based on Table 5). (2) Based on the application of the FRC approach and on the result of the assessment based on Table 5, the more USIL elements are reflected fully in the various US foreign policies, the stronger the relevant US foreign policy's claim to USIL (the scale of assessment is based on Table 6). The result for each US foreign policy will be displayed in a matrix (see Table 7). *It is key to note that this assessment is purely of academic/scholarly nature and is not eligible to mathematical correctness, but based on an empirical evaluation by the author.*

Completely fulfilled/reflected: 	Mostly fulfilled/reflected: 
Partially fulfilled/reflected: 	Slightly fulfilled/reflected: 
Weakly fulfilled/reflected: 	Not fulfilled/reflected: 

Table 5-Scale of assessment of each USIL element's reflection in US foreign policy

Fully legitimate	All USIL elements are completely fulfilled
Mostly legitimate	The average of all USIL elements' fulfilment has to be 'mostly fulfilled'
Partially legitimate	The average of all USIL elements' fulfilment has to be 'partially fulfilled'
Slightly legitimate	The average of all USIL elements' fulfilment has to be 'slightly fulfilled'
Weakly legitimate	The average of all USIL elements' fulfilment has to be 'weakly fulfilled'
Not legitimate	None of the USIL elements are fulfilled

Table 6 - Scale of assessment to determine each US foreign policy's result in terms of USIL

THESIS' FRAMEWORK FOR THE ANALYSIS OF US INTERNATIONAL LEGITIMACY IN THE POST-COLD WAR ERA: Analytical Perspective: dynamic, evolutionary, based on the FRC approach	CONTENTS AND DIMENSIONS OF THE USIL ELEMENTS BASED ON TABLE 4	Foreign Policy of the George H. W. Bush administration	Foreign Policy of the William J. Clinton administration	Foreign Policy of the George W. Bush administration	Foreign Policy of the Barack H. Obama administration
	INTERNATIONAL VALUES AND NORMS (<i>Substantive</i>): Consensual mediation of the norms of morality, legality and constitutionality (Barker 1990)/ Adherence to generally accepted principles of right process (Franck 1990) / Conformity to established rules - Rules are justified by reference to beliefs shared by both the hegemon and its subordinates (Beetham 1990) / Adherence to established procedures (Hurd 1999) / Seeking an accommodation between the norms of morality, constitutionality and legality (Clark 2005) / US's respect of international norms (Ikenberry 2002) / US commitment to international shared values and norms (Nye 2004) / America's adherence to international law (Tucker and Hendrickson (2004)/ America's conformity with established procedures and moral norms (Walt 2005)				
	INTERNATIONAL ORDER (<i>Procedural</i>): Subordinates consent to their power relation with the hegemon (Beetham 1990) / Setting power in a framework that is tolerable to most affected states (Clark 2005) / US power embedded in mutual security pacts (Ikenberry 2002) / US power based on legitimacy (Gaddis 2003) / US special role in the Cold War gave structural legitimacy to the US (Kagan 2004) / America's moderation in the execution of its foreign policy (Tucker and Hendrickson 2004) / America's willingness to accept the natural international order (Walt 2005)				
	INTERNATIONAL CONSENSUS (<i>Procedural</i>): Consensus building amongst the norms of morality, legality and constitutionality (Ferrero 1942) / Being committed to consensus (Clark 2005) US willingness to work with international institutions and seeking international consensus (Ikenberry 2002) / US power based on international consent (Gaddis 2003) / America's commitment for multilateralism (Nye 2004) / America's willingness to consensual modes of decision making (Tucker/Hendrickson 2004)				
	INTERNATIONAL SOCIETY (-): Rightful member of international society (Clark 2005) / US power based on modesty in US foreign policy aims (Gaddis 2003) / America's ability to persuade others to do what it wants without force or coercion (Soft Power) (Nye 2004) / America's success in the preservation of peace and prosperity (Tucker and Hendrickson 2004) /America's contribution to influencing international society in a positive way (Walt 2005)				
	RESULT OF THE ASSESSMENT OF US INTERNATIONAL LEGITIMACY BASED ON THE SCALES IN TABLE 5 AND 6 (<i>ACADEMIC/SCHOLARLY JUDGMENT</i>):				

Table 7 - Matrix for the assessment of USIL in the various US foreign policies

2. THE GEORGE H. W. BUSH PRESIDENCY, 1989-1993

2.1 Introduction

George H.W. Bush was in office during an era of exceptional geopolitical transition. In a speech in September 1990, Bush highlighted that an historic period of cooperation, which he called the 'New World Order' was dawning:

A new partnership of nations has begun. We stand today at a unique and extraordinary moment. [...] Out of these troubled times, [...] a New World Order can emerge: a new era, freer from the threat of terror, stronger in the pursuit of justice, and more secure in the quest for peace. An era in which the nations of the world, [...] can prosper and live in harmony. [...] Today that new world is struggling to be born, a world quite different from the one we've known.¹

Under the presidency of George H. W. Bush, the US appeared as the only global superpower, having its power and its political influence largely unquestioned. No other power could rival in economic, military or political terms with America. As Krauthammer identified: "The immediate post-Cold War world is not multipolar. It is unipolar. The centre of world power is the unchallenged superpower, the United States, attended by its Western allies."² During the Cold War, as explained by Kagan, the power of the US was seen in the West especially as legitimate and necessary, because its power came from its hegemonic position.³

This Chapter suggests that in terms of international legitimacy, the Bush administration's foreign policy was very close to the thesis' framework. The contents of the various framework's elements were mostly reflected in and met by US foreign policy. The thesis therefore comes to the conclusion that the George H. W. Bush administration's foreign policy can be regarded as mostly legitimate.

Specifically, pertaining to 'International Values and Norms', the examination indicates that the US was committed through its foreign policy actions to the international community's values and norms, even though international society questioned the aspect of legality in the course of the Panama intervention. With regard to 'International Order', the US under Bush also mostly adhered to this element, because only when the US had emerged as the single global superpower did the US act as the new global hegemon. The Persian Gulf War is the first case in which not only US regional hegemony in the Gulf region but also its global hegemony in world affairs were tested. The

¹ BUSH, George H.W.; *Address Before a Joint Session of the Congress on the Persian Gulf Crisis and the Federal Budget Deficit*, Washington D.C., 11 September 1990, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=18820&st=&st1=>, accessed in September 2014.

² KRAUTHAMMER, Charles; "The Unipolar Moment", in *Foreign Affairs*, Vol. 70, No. 1, 1990/1991, p. 23.

³ KAGAN, Robert; *op.cit.*, 2004, pp.65-87.

Bush administration skilfully achieved an internationally supported and legitimised military intervention respecting the mandate given by UNSC Resolutions. In relation to ‘International Consensus’, the US under Bush displayed a strong willingness for multilateralism and for multilateral institutions such as the UN. In the case of ‘International Society’, the US under the leadership of George H.W. Bush was both willing and committed to shape the international system cautiously, by directing the international system from a containment oriented course to superpower cooperation.

2.2 International Values and Norms

This empirical, comparative and historical Chapter examines America’s commitment to the first element of the framework as reflected in some key actions of the Bush administration’s foreign policy. Specifically, the analysis focuses on the contents of the administration’s foreign policy mirrored with the shared values of international society of the time as well as the expression of US conformity with its established procedures. In addition, US military interventions will be analysed according to morality and legality, thereby assessing the US’s commitment to international law.

The George H. W. Bush administration distinguished itself from its preceding administration led by US President Ronald W. Reagan, by incorporating a more pragmatic conservatism like that of former US Presidents Richard M. Nixon and Gerald R. Ford.⁴ The Bush administration’s foreign policy attempted to link the unstable culminations of Reagan’s foreign policy incorporating values that can be characterised as ‘conservative internationalism’⁵. This worldview aimed at promoting the classical and universal values associated with the American system, such as liberty, democracy and republicanism while seeking to ensure security and stability in the international order.⁶ Two examples highlighted the Bush administration’s stance for a prudent, conservative but international US foreign policy:

The first example was the period in the 1990s, in which the Cold War division of Europe was evaporating and pressure for German reunification was building. While Germans were pushing for reunification made possible by the momentous developments in Europe and the Soviet Union in 1989, the Bush administration advocated a stepwise approach to keep events from swirling out of control. While committing itself to a for-

⁴ NAFTALI, Timothy; *George H. W. Bush*, Times Books, New York, p.52.

⁵ BARILLEAUX, Ryan J.; “George Bush, Germany and the New World Order”, in HODGE, Carl; NOLAN, Cathal J.; *Shepherd of Democracy? America and Germany in the 20th Century*, Westview, Greenwood, 1992, pp. 161-172,

⁶ BARILLEAUX, Ryan J.; ROZELL, Mark J.; “George Bush, Germany and the New World Order”, in HODGE, Carl; NOLAN, Cathal J.; *Shepherd of Democracy? America and Germany in the 20th Century*, Westview, Greenwood, 1992, loc. 1512-1519.

eign policy aimed at promoting international stability, Bush argued that unpredictability and instabilities were a bigger threat to international peace than the Soviet Union could become.⁷ Hence, the Bush administration's promotion of liberal and democratic values had to be balanced so as not to risk war.

The second example was the Persian Gulf War. Even though the Bush administration criticised the Iraqi attack on Kuwait, the US administration first wanted the Arab nations to deal with the crisis. After their failure, the administration achieved a vast international coalition to force Iraq out of Kuwait's territory. The crisis in the Gulf illustrated how the Bush administration saw multilateral cooperation as a vital basis of future foreign policy in the new geopolitical environment. Hence, the events in the Middle East provided the administration with an opportunity to articulate its nascent concept of a 'New World Order' as Eric A. Miller and Steve A. Yetiv identified.⁸ According to Bush, this new order had to rely on three essential elements: checking against aggression, collective action and great power cooperation.⁹

As for the first element, Bush was convinced that the offensive use of force had to be restricted. In his own words, "what was, and is, at stake is not simply our [...] security and the stability of a vital region but the prospects for peace in the post-Cold War era, the promise of a New World Order based upon the rule of law."¹⁰ The second element consisted in the belief that only "the UN could provide a cloak of acceptability to our efforts and mobilize world opinion behind the principles we wished to project."¹¹ In this sense, the Gulf Crisis is remembered as a post-Cold War precedent for the importance of generating international action authorized by the UN and led by the US.¹²

The third element summarises Bush's conception of the New World Order as being based decisively on great power cooperation, particularly with the Soviet Union. Not only did the Bush administration achieve strong Soviet support for the US led international coalition during the Persian Gulf War, but Bush also directly related to the Soviet Union's leader Mikhail Gorbachev that "the closer we can be together today, the

⁷ BUSH, George H.W.; *Joint News Conference Following Discussions With Chancellor Helmut Kohl of the Federal Republic of Germany*, Camp David, 25 February 1990, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=18188&st=&st1=>, accessed in October 2014.

⁸ MILLER Eric A.; YETIV, Steve A.; „The New World Order in Theory and Practice: The Bush Administration's Worldview in Transition“, in *Presidential Studies Quarterly*, Vol. 31, No. 1, March 2001, p. 57.

⁹ *Ibid.*, p. 57.

¹⁰ BUSH, George H.W.; *Remarks to the Reserve Officers Association*, Washington D.C., 23 January 1991, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=19245&st=&st1=>, accessed in October 2014.

¹¹ BUSH, George H.W.; SCOWCROFT, Brent; *A World Transformed*, Vintage, New York, 1998, p. 491.

¹² MILLER Eric A.; YETIV, Steve A.; *op.cit.*, p. 63.

closer the New World Order. [...] I want to work with you as equal partners in dealing with this.”¹³

In 1992, the Draft Defence Planning Guidance DPG was leaked to the press, highlighting the US’s mission in the post-Cold War era. The number one objective of US post-Cold War political and military strategy should be preventing the emergence of a rival superpower. Another objective included to safeguard US interests and values and finally the US readiness to take unilateral action if needed.¹⁴ With this in mind, the Bush administration in 1990/1991 accomplished its national objectives through collective action, as Ryan J. Barilleaux identified.¹⁵

The examination therefore highlights that the administration’s ideals and values were reflected in and met by US foreign policy at the turn point of the Cold War. Bush’s nascent concept of a ‘New World Order’ mirrored the most important fundamentals of his foreign policy: prudence, great power cooperation, multilateral support and the promotion of international stability. With these values, the Bush administration was able to advance the geopolitical transformation at the beginning of the 1990s in a discrete and stepwise approach, acknowledging the new role of the US in this environment. In doing this, with the exception of the Panama intervention, the Bush administration was able to reverse the rude “cowboy-like” image of the US under Reagan and the US started to be perceived internationally as “benevolent hegemon”¹⁶, as Kagan and William Kristol, two prominent neoconservatives identified. In their view, US hegemony was possible and benevolent for two reasons: first, US power was not resented, it was welcomed; rather than being an imposition, US presence resembled an empire by invitation.¹⁷ Second, the benevolence of America’s empire was assured by the fact that whatever enhanced US power was, in fact, morally good for the rest of the world.¹⁸

With respect to international norms, during the 41st US president’s term, the norms of morality, legality and constitutionality were debated and were contested by international society, especially regarding the US intervention in Panama and the US led coalition during the first war against Iraq.

¹³ BUSH, George H.W.; SCOWCROFT, Brent; *op.cit.* p. 364.

¹⁴ TYLER, Patrick E.; “US Strategy Plan Calls for Insuring No Rivals Develop”, in *The New York Times*, 8 March 1992, available online at <http://www.nytimes.com/1992/03/08/world/us-strategy-plan-calls-for-insuring-no-rivals-develop.html> and http://www2.gwu.edu/~nsarchiv/nukevault/ebb245/doc03_extract_nytedit.pdf, accessed in December 2014.

¹⁵ BARILLEAUX, Ryan J.; ROZELL, Mark J.; *op.cit.*, loc. 1534.

¹⁶ With benevolent hegemony, Kagan and Kristol mean an international system “in which the United States would use its power to create a benign, peaceful, and democratic world order.” Source: KAGAN, Robert; KRISTOL, William; *Present Dangers: Crisis and Opportunity in America’s Foreign and Defense Policy*, Encounter Books, San Francisco, 2000, pp.6-20.

¹⁷ *Ibid.*, p. 7.

¹⁸ *Ibid.*, p. 12.

In Panama, Bush named several reasons for intervening: first, protecting American citizens living in Panama; second, he felt an obligation to bring the Panamanian military dictator, General Manuel Noriega, to justice in the US and finally in line with the administration's foreign policy ideals, he wanted to defend democracy in Panama, combat drug trafficking and protect the integrity of the Panama Canal Treaty.¹⁹ International lawyers like John Quigley questioned the legality of the US intervention in Panama, claiming that if the US had the right to invade whenever American citizens were threatened in another country, it would be a cause for intervening in dozens of other sovereign countries.²⁰ Further, the US also infringed the Charter of the Organization of American States (OAS), which stipulates that the territory of a nation is inviolable.²¹ The OAS lamented the US invasion with a vote of 20-1 in its Permanent Council and "deeply regretted the military intervention in Panama."²² Additionally, the intervention was also legally questioned because Panama "had not breached its duty to permit the free transit of ships through its Canals; and even if it had, the Canal treaties do not give the US a right to intervene militarily against Panama."²³ Finally, Bush's argument of promoting democracy was considered as hypocritical, as stated by Louis Henkin: "There are many illegitimate, undemocratically elected [...] governments [...] whose territories the US has not invaded and which the US government indeed has continued to treat as friends."²⁴

In the first Gulf War, the situation was less contentious. The US was predominantly praised for the management of the Gulf Crisis, even by international lawyers like Paul W. Kahn.²⁵ After Iraqi President Saddam Hussein invaded Kuwait in August 1990, the Bush administration underwent an enormous diplomatic effort to achieve a UNSC Resolution allowing the use of force. As US Secretary of State James Baker explained, military initiatives by Reagan in Grenada and Bush in Panama had reinforced the international community's feeling that US foreign policy seemed to follow a 'cowboy mentality': "[...] the president recognized the importance of having the express approval of

¹⁹ BUSH, George H.W.; *Address to the Nation Announcing US Military Action in Panama*, Washington D.C., 20 December 1989, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=17965&st=Panama&st1=>, accessed in October 2012.

²⁰ QUIGLEY, John; "The Legality of the US Invasion of Panama", in *Yale Journal of International Law*, Vol. 15, Summer 1990, pp.281-297.

²¹ Organization of American States, *Charter*, Articles 20-21, available online at http://www.oas.org/dil/treaties_A-41_Charter_of_the_Organization_of_American_States.pdf, accessed in October 2014.

²² Organization of American States, *Minutes of the Meeting of the Permanent Council*, 22 December 1989, available online at https://wikileaks.org/plusd/cables/89STATE406844_a.html, accessed in January 2017.

²³ QUIGLEY, John; *op.cit.*, p.289.

²⁴ HENKIN, Louis; "The Invasion of Panama under International Law: A Gross Violation", in *Journal of Transnational Law*, 1991, p.293-298.

²⁵ KAHN, Paul W.; "Lessons for International Law from the Gulf War", in *Faculty Series*, Yale Law School, 1993, p. 431.

the international community if at all possible.”²⁶ A vast coalition²⁷ materialized and in November 1990, the UNSC passed Resolution 678, authorizing member states to use ‘all necessary means’ to force Iraqi troops out of Kuwait.²⁸ After the retreat of Iraqi forces out of Kuwait, and Bush’s decision not to continue to Baghdad, Bush was praised because he accepted the legal boundaries put by the UN Resolutions on the military activities. Bush himself explained that

I firmly believed that we should not march into Baghdad. Our stated mission, as codified in UN Resolutions, was simple – end the aggression, knock Iraq’s forces out of Kuwait, and restore Kuwait’s leaders. To occupy Iraq would instantly shatter our coalition, turning the whole Arab world against us, [...]. It would have taken us way beyond the imprimatur of international law bestowed by the Resolutions of the Security Council [...] It could only plunge that part of the world into even greater instability and destroy the credibility we were working so hard to re-establish.²⁹

For the first time in many decades, the US had accepted the limitations imposed by international law on US military interventions abroad. This was praised by international legal scholars³⁰: not only had the US followed multilateral collective decision making and had built an international law framework for its actions; it had also strengthened multilateral institutions by doing so, as stated by Kahn.³¹ While Nigel D. White and Hilaire McCoubrey state that the military action in Kuwait had to be regarded as ‘lawful’ within international law.³²

Consequently, the analysis displays that with the management of the Persian Gulf Crisis, the Bush administration returned to the multilateral system of collective security that had experienced a very passive existence in the years of Bush’s predecessor. Accordingly, America’s approach to the Soviet Union and the modest position taken during the events leading to the Soviet Union’s dissolution increased the US’s international acceptance as the new remaining superpower. As a result, the analysis indicates that under Bush, ‘International Values and Norms’ was mostly reflected in the administration’s foreign policy, as the US was committed to the shared values of international society of the time. US foreign policy under Bush mostly conformed to international society’s established procedures and Bush’s military interventions also mostly corre-

²⁶ BAKER, James A.; *The Politics of Diplomacy*, Putnam Adult, New York, 1995, p.304.

²⁷ The coalition included 34 countries. Source: Office of the Historian, *The Gulf War 1991*, available online at <https://history.state.gov/milestones/1989-1992/gulf-war>, accessed in January 2018.

²⁸ UN Security Council, *Resolution 678*, 29 November 1990, available online at <http://daccess-dds-ny.un.org/doc/RESOLUTION/GEN/NR0/575/28/IMG/NR057528.pdf?OpenElement>, accessed in October 2014.

²⁹ BUSH George H.; SCOWCROFT, Brent; *op. cit.*, p. 464.

³⁰ KAHN, Paul W.; *op.cit.*, pp. 430-432.

³¹ *Ibid.*, pp. 430-432.

³² See for example WHITE, Nigel D.; MCCOUBREY, Hilaire; “International Law and the Use of Force in the Gulf”, in *International Relations*, No. 347, 1991.

sponded to the norms of morality and legality, with the exception of the Panama intervention. Still, the US was committed to this USIL element when it matched US interests, for example by removing Iraq from Kuwait, but not for assisting the Kurds, not to assist the Chinese democracy movements or regarding the invasion of Panama. Yet, the analysis mostly highlights an American commitment to international law. Hence, this Chapter concludes that the foreign policy of the Bush I administration mostly reflected and met the element of 'International Values and Norms'. This indicates that the Bush administration's foreign policy mostly corresponds with the contents and the definition of 'International Values and Norms' of the framework.

2.3 International Order

The second element of the framework can be evaluated through the types, aims, developments and outcomes of some key US military interventions abroad. This analyses the US's will to accept the international order and its willingness to execute a moderate foreign policy.

The international environment characterising George H.W. Bush's access to the Oval Office was marked by a clear distribution of power. The world was split in two great power blocs, with the US and the Soviet Union. For US foreign policy this had traditionally meant actions based on a so called 'international consensus' existing at the time,³³ which was characterised by four essential elements: a basic agreement on the nature of the world (bipolar), the nature of conflict in the world (zero sum between the US and the Soviet Union), the US role in the world (leadership), broad US foreign policy (containment of the Soviet Union, communism, promotion of an open economy).³⁴

During Reagan's presidency, the relations between the two great powers had significantly relaxed and Bush discretely continued with this kind of cooperation. Bush and Gorbachev met often and discussed the idea of a new international system, where military force would play less of a role and in which the great powers shared the responsibility for keeping the peace. Exemplifying this view was the Gulf Crisis, in which the Soviet Union publicly supported the US led intervention in Kuwait.³⁵

The Bush administration witnessed the change of the international order, making the US by the end of 1991 the only global superpower. The administration however was

³³ McCORMICK, James M.; *American Foreign Policy and Process*, Wadsworth, Boston, 2014, pp.115-118.

³⁴ SCOTT, James M.; *After the End: Making US Foreign Policy in the post-Cold War World*, Duke University Press, Durham, 1998, loc. 386.

³⁵ On 3 August 1990, US Secretary of State James Baker and Soviet Foreign Minister Eduard Shevardnadze issued a joint statement inviting all countries to take concrete measures to obtain the immediate and unconditional withdrawal of Iraqi troops from Kuwait. Source: BIN, Alberto; HILL, Richard; JONES, Archer; *Desert Storm – A Forgotten War*, Praeger Publishers, Westport, 1998, p. 37.

not aware that the Cold War was indeed ending when it came to office.³⁶ Rather, it prudently gave advice and support to the Soviet leaders to bring the Cold War to an end. America's new undisputed superiority made it the only country with the military, diplomatic, political and economic means to be the key player in any conflict in whatever part of the world.³⁷ Due to a shifting distribution and composition of power, this led to a transformation in the international 'playing field' of US foreign and to a modification in the number, the types and the geography of international players.

In the first feature, the end of the Cold War meant for the US a unipolar distribution of military power. However, power also became related to economic power. The latter diffused also among other actors, such as Japan and Western Europe. In addition, scholars such as Fukuyama started to argue that the new distribution of power would inhibit war amongst the most industrialised countries of the new international order.³⁸

Regarding the second feature, the end of the Cold War also meant a dramatically reduced ideological separation and antagonism among the world's leading powers. The collapse of communism and the Soviet Union sped up and extended the liberal democratic order³⁹, thereby re-centring international political decisions within the UN and bringing together countries not only ideologically, but also economically. This new distribution of power also led to the appearance of various new international actors. Japan, the former Soviet Union and Warsaw Pact States; a changing Russia and a re-unified Germany. Thus, for US foreign policy, hard power had to be complemented by soft power, such as the promotion of economic growth and democratic values.⁴⁰

Consequently, the Bush administration was confronted with a much changed international environment with many trouble spots and emerging challenges. In the health field, the 1990s were characterised by the global epidemic of the Acquired Immune Deficiency Syndrome (AIDS). In the ecological area, the prospecting loom of global warming came to be felt. In Europe, with the reunification of Germany, European countries were starting to negotiate ways on how to further economic and political integration. The dissolved Soviet Union made for a fragmentation of political power among the newly created republics. Ethnic conflicts were also on the rise in the Middle East and Africa, as the civil war in Liberia demonstrated. Finally, the near-outbreak of war be-

³⁶ MAYNARD, Christopher; *Out of the Shadows: George H. W. Bush and the End of the Cold War*, Texas A&M University Press, Austin, 2008, loc. 1683.

³⁷ NAFTALI, Timothy; *op.cit.*, p.138.

³⁸ FUKUYAMA, Francis; "Liberal Democracy as a Global Phenomenon," in *Political Science and Politics*, Vol. 24, No. 4, 1991, p. 662.

³⁹ FUKUYAMA, Francis; "The End of History?," in *National Interest*, Summer 1989, p.4.

⁴⁰ FUKUYAMA, Francis; *op.cit.*, 1991, pp. 662-663.

tween India and Pakistan and an intensification of tensions between Israel and its Arab neighbours were additional pieces of a puzzle that the Bush administration had to put together, as Gaddis underscored:

The end of the Cold War, therefore, brings not an end to threats, but rather a diffusion of them: one can no longer plausibly point to a single source of danger, as one could throughout most of that conflict, but dangers there still will be.⁴¹

In this changed international environment and in relation to the analysis of USIL, the following US military interventions need to be examined: Panama, Iraq/Kuwait, Somalia and former Yugoslavia.

In Panama, the US intervention can be described as the first use of force since the end of World War II that was not linked to the Cold War. It was also the first large-scale use of US military strength abroad since Vietnam. After US troops had intervened in Panama, the crisis ended with the capture of Manuel Noriega, Panama's Head of State, who was then brought to the US and tried for criminal drug operations. The main reason why the Bush administration decided to militarily intervene in Panama was that every time Noriega tried to challenge the US he came out victorious. At stake was George H.W. Bush's image as an indecisive president, his hesitation to take the lead in world affairs and to fulfil his campaign promise to combat drug abuse in the US. Former US policies and threats in the Panama crisis had lacked credibility and authority, which in the end led to the military intervention.⁴²

Regarding the Persian Gulf War, during the first half of 1990, the Bush administration vacillated between occasional hints of a tougher line and continued efforts to court Iraqi President Saddam Hussein. The administration's response to the aggressive nationalistic Iraqi rhetoric was confused and uncertain. Every step toward a tougher line was compromised by the pervasive belief within the US administration that Saddam's 'paranoia' about American intentions demanded ever greater efforts to provide reassurances about Washington's goodwill.⁴³ The administration's actions were designed to prevent the "torpedoing of our relationship with an increasingly important state."⁴⁴ Only when Iraq invaded Kuwait on 2 August 1990 did the Bush administration finally abandon its strategy of co-opting Iraq. After the invasion, the attitude of the Bush admin-

⁴¹ GADDIS, John Lewis; "Toward the Post-Cold War World", in *Foreign Affairs*, Spring 1991 issue, available online at <http://www.foreignaffairs.com/articles/46586/john-lewis-gaddis/toward-the-post-cold-war-world>, accessed in October 2014.

⁴² GILBOA, Eytan; "The Panama Invasion Revisited: Lessons for the Use of Force in the Post-Cold War Era", in *Political Science Quarterly*, Volume 110, No. 4, Winter 1995-1996, pp.539-562.

⁴³ BAKER, James A.; *op.cit.*, 1995, p.272.

⁴⁴ NSC Deputies Committees Meeting on Iraq, 16 April 1990, in KARABELL, Zachary; "Backfire: US Policy toward Iraq, 1988- 2 August 1990", in *The Middle East Journal*, Vol. 49, No. 1, Winter 1995.

istration towards Iraq changed abruptly, recognising that Saddam's actions had to be seen as the first test of the post-Cold War international system and that if Saddam was allowed to get away with military aggression, others may try the same thing. In terms of regional support, twelve of the twenty-one members of the Arab League supported UN sanctions against Iraq,⁴⁵ and other regions and countries such as Western Europe, Canada, Japan and Australia joined the coalition. With UNSC Resolution 660, also the Soviet Union supported the US, by demanding an immediate and unconditional Iraqi withdrawal from Kuwait and with UNSC Resolution 661 imposing an economic embargo.⁴⁶

Still, it took almost six months before the US intervened. The Bush administration had to both convince the American public and its international partners that they had exhausted all options short of war. Bush himself stated repeatedly he hoped and expected that the economic sanctions imposed on Iraq in Resolution 661 would compel Iraqi withdrawal and that he was prepared to give them time to do so.⁴⁷ Saddam Hussein however rejected all peace proposals that were made from various members of the international community.⁴⁸ On 29 November 1990 the UNSC passed Resolution 678 allowing its member states to use 'all necessary means' to enforce existing Resolutions and established a deadline for Iraq to comply with them.⁴⁹ The subsequent war went smoothly and rather quickly. Richard N. Haas, then Director for Near East and South Asian affairs on the staff of George H. W. Bush's National Security Council, explained why the US decided not to overthrow Saddam:

It was our expectation that at that point in the aftermath of the war, Saddam Hussein would not be able to survive politically that more than anything else the returning Iraqi forces would overwhelm him and overthrow him.⁵⁰

Bush and Scowcroft, US National Security Advisor under George H. W. Bush, added:

While we hoped that a popular revolt or coup would topple Saddam, neither the US nor the countries of the region wished to see the breakup of the Iraqi state. We were concerned about the long term balance of power at the head of the Gulf.⁵¹

⁴⁵ FAWCETT, Louise; "League of Arab States", in SPERLING, James (ed.); *Handbook of Governance and Security*, Edward Elgar Publishing, Northampton, 2014, p. 628.

⁴⁶ UN Resolutions are available online at <http://www.un.org/docs/scres/1990/scres90.htm>, accessed in October 2014.

⁴⁷ BUSH, George H.W.; *op.cit.*, 11 September 1990, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=18820&st=&st1=>; *The President's News Conference*, Washington D.C., 21 September 1990 available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=18847&st=&st1=>, *Remarks to Officers and Troops at Hickam Air Force Base*, Pearl Harbor, Hawaii, 28 October 1990, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=18972&st=&st1=>, all accessed in October 2014.

⁴⁸ JACOBS, Richard H.; "A Chronology of the Gulf War", in *Arab Studies Quarterly Special Issue: The Arab World and the Gulf War*, Vol. 13, No. 1/2, Winter/Spring 1991, p. 154.

⁴⁹ UN Resolution 678 is available online at <http://www.un.org/docs/scres/1990/scres90.htm>, accessed in October 2014.

⁵⁰ HAAS, Richard; in PBS-Online: *Spying on Saddam*; available online at <http://www.pbs.org/wgbh/pages/frontline/shows/unscom/interviews/haass.html>, accessed in October 2014.

⁵¹ BUSH George H.; SCOWCROFT, Brent; *op.cit.*, p. 489.

Thus, the Bush administration was careful both to consult with its core allies as well as to seek the legitimising authority of the UN for its actions. In so doing, it sought to exercise consensual hegemonic leadership, which was made easier after the end of the Cold War, the clear violation by Iraq of international law and the threat it posed to the region and the international oil system. Accordingly, the US administration showed a good understanding of the utility of international institutions both in creating global order, stability and in sustaining American leadership in that order. Nevertheless, in the end scholars like Steven Hurst judge that the Bush administration's policy towards Iraq was ad-hoc, poorly designed and aiming at harming not Saddam but the Iraqi population (through the sanctions).⁵² The other two cases of US military interventions abroad were Somalia and former Yugoslavia.

In the Somalia crisis starting in 1990, George H.W. deployed forces as part of a multinational relief effort to avert a humanitarian catastrophe due to a large-scale famine. The UNSC had already passed Resolution 794 to authorise the use of peacekeeping troops to address the deteriorating crisis. In the last months of his term, Bush explained to the nation that the Somali mission had a limited objective: "To open the supply routes, to get the food moving, and to prepare the way for a UN peacekeeping force to keep it moving. This operation is not open-ended. We will not stay one day longer than is absolutely necessary."⁵³

During the breakup of former Yugoslavia, the Bush administration focused primarily on the Soviet Union, Germany, and the crisis in Iraq. Yugoslavia had lost its geostrategic importance it had had during the Cold War. While Washington attempted to coordinate with its Western allies in case the Yugoslav crisis turned bloody, Western European governments maintained a wait-and-see attitude. US Secretary of State James Baker visited the region in June 1991 to convey the message that the US would back democracy and the rule of law in the newly created republics.⁵⁴ However, the situation deteriorated and in December 1992, Bush sent a letter to the president of Serbia, Slobodan Milosevic, telling him that "in the event of conflict in Kosovo caused by Serbian action, the US would be prepared to employ military force against the Serbs in Kosovo and in Serbia."⁵⁵ However, the US's hands off policy was interpreted by the interna-

⁵² HURST, Steven; *United States and Iraq since 1979: Hegemony, Oil and War*, Edinburgh University Press, Edinburgh, 2009, pp. 107-108.

⁵³ BUSH, George H.W.; *Address to the Nation on the Situation in Somalia*, Washington D.C., 4 December 1992, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=21758&st=&st1=>, accessed in October 2014.

⁵⁴ ZIMMERMAN, Warren; *Origins of a Catastrophe - Yugoslavia and its Destroyers*, Three Rivers Press, Danvers, 1999, p.133.

⁵⁵ BINDER, David; "Bush warns Serbs not to widen War", in *The New York Times*, 28 December 1992, available online at <http://www.nytimes.com/1992/12/28/world/bush-warns-serbs-not-to-widen-war.html>, accessed in October 2014.

tional community as US perception that the situation in Yugoslavia was a European crisis and had to be handled by Europe, with a powerful European Union emerging, as Joyce Kaufmann and Maynard Glitman explained.⁵⁶

Therefore, this analysis highlights that only when the US had emerged as the single global superpower did the US act as the new global hegemon. The Persian Gulf War was the first case in which not only US regional hegemony in the Gulf region but also its global hegemony in the steering of world affairs came to be tested. The Bush administration skilfully achieved an internationally supported and legitimised military intervention that went down in the annals of international history for its broad coalition and Bush's key decision not to go to Baghdad, thereby honouring and respecting the mandate given by UNSC Resolutions, was widely praised. Still, the administration missed the opportunity to execute decisive and convincing US leadership in world affairs after the end of the Cold War, as it lacked a clear US vision for the post-Cold War era backed by international society and supported by both America's military and economic might. Yet, after two critical demonstrations of America's willingness to use force against Panamanian and Iraqi dictators, leaders in conflict areas such as Bosnia and Somalia continued to challenge the new international order. The succeeding Clinton administration would inherit an "unstable containment regime that would require great skill and attention and the repeated application of military force to keep in place."⁵⁷ Thus, this examination highlights America's will to accept the changed international order and its willingness to execute a moderate foreign policy. The international order was not altered directly by the Bush administration. The international community saw the US at large as the legitimised single global superpower. However, the Bush administration failed to use America's newly acquired hegemony to lead world affairs credibly, not being able to define a clear role for the US in the post-Cold War world. As a consequence, the element of 'International Order' was mostly reflected in and met by the administration's foreign policy, even though at the beginning of Bush's term and at the end of it, the international order had been significantly transformed. This indicates that the Bush administration's foreign policy corresponds mostly to the contents and the definition of 'International Order' of the framework.

⁵⁶ KAUFMAN, Joyce P.; *NATO and the Former Yugoslavia: Crisis, Conflict, and the Atlantic Alliance*, Rowman and Littlefield Publishers, Boston, 2002, p.70. / GLITMAN, Maynard; "US Role in Bosnia: Rethinking a flawed Approach", in *Survival: Global Politics and Strategy*, Volume 38, Issue 4, 1996, p.68.

⁵⁷ POLLACK, Kenneth M.; *The Threatening Storm: The Case for Invading Iraq*, Random House, New York, 2002, pp. 53-54.

2.4 International Consensus

The reflection of the third element of the framework in the foreign policy of the Bush administration can be shown with two indicators. First, the administration's commitment to multilateralism, to consensual decision-making and to the UN. Second, consensus as a legitimizing tool for the use of military force aboard.

George H. W. Bush was by nature an international person, who had developed relations with Heads of State and foreign dignitaries since his days as US Ambassador to the UN, as Director of the Central Intelligence Agency (CIA) and as US Vice-president. He was therefore experienced about the functioning of multilateral institutions. Due to the bipolarity of international relations at the beginning of Bush's term, the US administration first continued the cautious approach towards superpower cooperation with the Soviet Union. After the dissolution of the Soviet Union Bush was convinced that the UN was "freed from the Cold War stalemate and able to fulfil the historic vision of its founders; a world in which freedom and respect for human rights find a home among all nations."⁵⁸ US Secretary of State Eagleburger added that it was only by strengthening multilateral institutions after the end of the Cold War that a more stable world could emerge:

If, however, we want to avoid a return to the dangerous balance of power politics which characterized the world prior to the Cold War, we will have to strengthen [...] the multilateral institutions we have established over the past half century. If we do not succeed in strengthening those collective links and institutions, we will never be able to confront the instabilities now arising beyond the Western fold.⁵⁹

The emergence of a rehabilitated confidence in UN structures meant that it once again seemed possible for international actions to be formalised through the UN system. Thus, the UNSC's votes and Resolutions can realistically be interpreted as indicating the temper of the international community, or the existence of international consensus.

Thus, America's support of UNSC Resolutions and the coincidence of voting patterns with US positions in the UN General Assembly are useful for assessing the administration's commitment to this USIL element. With regard to the UNSC, from 1989 until the end of 1992, the Council adopted 173 Resolutions.⁶⁰ Six Resolutions

⁵⁸ BUSH, George H.W.; *Address before a Joint Session of the Congress on the Cessation of the Persian Gulf Conflict*, Washington D.C., 6 March 1991, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=19364&st=&st1=>, accessed in December 2014.

⁵⁹ EAGLEBURGER, Lawrence S.; "Charting the Course: US Foreign Policy in a Time of Transition", Address before the Council on Foreign Relations, Washington, D.C., 7 January 1993, in *US Department of State Dispatch*, Volume 4, Number 2, 11 January 1993, available online at <http://dosfan.lib.uic.edu/ERC/briefing/dispatch/1993/html/Dispatchv4no02.html>, accessed in December 2014.

⁶⁰ *UN Security Council Statistics*, available online at <http://www.un.org/en/sc/documents/Resolutions/>, accessed in December 2014.

came to a vote during this period and six times the US casted a veto on the Resolutions.⁶¹ The average voting coincidence of all UN General Assembly members with US positions had an average of 25 per cent from 1989-1993. This was 17 per cent in 1989 and 28 percent at the end of 1992.⁶² This indicates both a cautious increase in favour for US voting positions and in US commitment for international consensus seeking.

America's support for PKOs is another important factor to assess. While US backing for PKOs was limited to logistical support and transportation during the Cold War, "by the summer of 1992, the Bush administration concluded that [...] if the United Nations was to succeed, the US would have to weigh in more heavily."⁶³ Accordingly, with increased support from the US, the UN expanded its peacekeeping duties.⁶⁴ However, since many of the Bush administration's senior staff still believed and implemented the Weinberger-Powell-Doctrine⁶⁵, Bush's commitment to enforced multilateral peacekeeping was limited. It included however several expanded peacekeeping missions.⁶⁶ Bush's greatest attempt to direct US foreign policy into the realm of multilateral institutions was the PKO in Somalia: although hesitant, the US joined international forces with the aim of securing global peace and humanitarian objectives without the Weinberger-Powell doctrine's main requirement of serving US self-interest.⁶⁷

Further, the UN's support for the US led Operation Desert Storm in Iraq in August 1990, encouraged US Congress to generously fund UN peacekeeping at the end of the Bush I administration, by reducing the amount of arrears the US had accumulated.⁶⁸ Thereby the US began a trend of "supporting a host of new peacekeeping missions under UN leadership, to which US military personnel either directly participated or played a substantial supporting role,"⁶⁹ as Figure 2 illustrates.

⁶¹ *UN Security Council's Veto List*, available online <http://research.un.org/en/docs/sc/quick/veto>, accessed in December 2014.

⁶² Author's compilation of data, based on the US Department of State's Yearly Report, *Voting Practices in the United Nations*, available online at <http://www.state.gov/p/io/rls/rpt/index.htm>, accessed in December 2014.

⁶³ DAALDER, Ivo H.; "Knowing When to Say No: The Development of US Policy for Peacekeeping", in DURCH, William J.; *UN Peacekeeping, American Politics, and the Uncivil Wars of the 1990s*, Macmillan Press, Basingstoke, 1997, p. 40.

⁶⁴ BOUTROS-GHALI, Boutros; "An Agenda for Peace, Preventive diplomacy, peacemaking and peace-keeping", *Report of the Secretary-General pursuant to the statement adopted by the Summit Meeting of the Security Council on 31 January 1992*, 17 June 1992, available online at <http://www.cfr.org/peacekeeping/report-un-secretary-general-agenda-peace/p23439>, accessed in December 2014.

⁶⁵ The Weinberger-Powell-Doctrine specified criteria for deciding when and how to use force. Caspar Weinberger, secretary of Defense under Ronald Reagan and Colin Powell, Chairman of the Joint Chiefs of Staff during the early 1990s elaborated and expanded them. According to Weinberger and Powell, the US would fight only when genuinely vital interests were at stake. It would mobilize the necessary resources to win promptly and decisively. It would end conflicts expeditiously and then get out leaving no loose ends. Source: BACEVICH, Andrew J.; *The Limits of Power: The End of American Exceptionalism*, Macmillan, Basingstoke, 2008, p. 129.

⁶⁶ FLEITZ, Frederick H.; *Peacekeeping Fiascoes of the 1990s: Causes, Solutions, and US Interests*, Praeger Publishing, Santa Barbara, 2002, pp. 101-106.

⁶⁷ *Ibid.*, p. 131.

⁶⁸ BROWNE, Marjorie Ann; *United Nations Peacekeeping – Issues for Congress*, Congressional Research Service, 11 February 2011, pp. 31-32, available online at <http://fas.org/spp/crs/row/RL33700.pdf>, accessed in December 2014.

⁶⁹ HOLT, Victoria; MacKINNON, Michael; "The Origins and Evolution of US Policy toward Peace Operations", in *International Peacekeeping*, Number 15, February 2008, p.20.

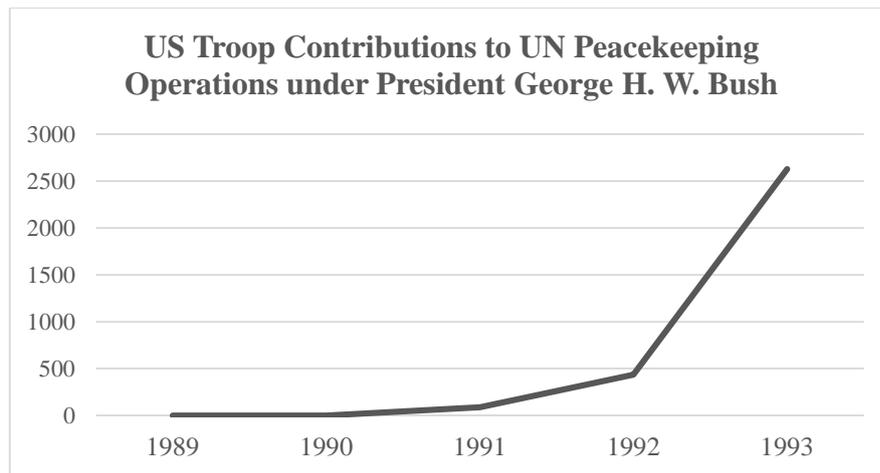


Figure 2 - US Troop Contributions to UN Peacekeeping Operations under President George H. W. Bush⁷⁰

In his farewell address, George H.W. Bush encouraged the emergence of a new doctrine for determining the use of US military force abroad, endorsing a more flexible standard than the Weinberger-Powell doctrine for determining when the US should send troops on peacekeeping operations, as Michael MacKinnon highlighted.⁷¹

The examination explains therefore that the Bush administration's foreign policy was committed to multilateralism and to multilateral institutions such as the UN. The US president often encouraged a strengthening of the UN and its peacekeeping forces. US Congress supported an expanded role of the UN especially after the successful outcome of the Persian Gulf War and, as explained by Quynh-Nhu Vuong: "Bush's multilateral perspective was both reflected in his actions and rhetoric."⁷²

Still, Bush ordered various military operations abroad; including Panama, Iraq/Kuwait, Somalia and former Yugoslavia.

The first case of Panama showed a very strong US indifference toward the existing international consensus and an obvious disrespect of multilateral institutions. As Chapter 2.2 illustrated, the UN, the OAS and the international community condemned this intervention. Most members of the UNSC voted to criticise the US intervention as a violation of international law, but the draft Resolution that aimed at strongly condemning the US invasion was finally vetoed by France, the United Kingdom (UK) and the

⁷⁰ Own Compilation with Data from BROWNE, Marjorie Ann; *United Nations Peacekeeping – Issues for Congress*, Congressional Research Service, 11 February 2011, p. 43, available online at <http://fas.org/spp/crs/row/RL33700.pdf>, accessed in December 2014.

⁷¹ MacKINNON, Michael G.; *The Evolution of US Peacekeeping Policy under Clinton: A Fairweather Friend?*, Routledge, New York, 1999, pp. 18-19.

⁷² VUONG, Quynh-Nhu; "US Peacekeeping and Nation-Building: The Evolution of Self-Interested Multilateralism", in *Berkeley Journal of International Law*, Volume 21, Issue 3, 2003, p.810.

US.⁷³ The UN General Assembly however voted 75-20 to ‘strongly deplore’ the intervention and demanded the abrupt withdrawal of US forces from Panama.⁷⁴

The case of Iraq however changed the picture. As stated in Chapter 2.2., the US was publicly commended for the leadership and the management of the Persian Gulf War. It demonstrated America’s will and commitment to cooperate multilaterally and to consult its core allies on this military intervention. Within one week of Iraq’s invasion of Kuwait, the Bush administration had assembled an international coalition, secured UN Resolutions demanding Iraq’s withdrawal and subjecting it to various economic sanctions. The actual use of force however was delayed for a few months, even though the Bush administration was of the opinion that they “could not see how we were going to remove Saddam from Kuwait without using force.”⁷⁵ The US government further argued that it was far better for the US not to delay dealing with the Iraqi dictator, because now the US had a strong coalition, as Richard B. Cheney, then US Secretary of Defence explained.⁷⁶ At the beginning, however, America’s allies were only convinced to adopt Resolutions to force Iraq out of Kuwait, but not to use military force. Therefore, Bush repeatedly stated that he hoped and expected that the economic sanctions imposed on Iraq in Resolution 661 would compel Iraqi withdrawal and that he was prepared to give them time to do so.⁷⁷ After weeks of successful coalition attacks on Iraq, the Bush administration finally decided neither to attack Baghdad nor to capture Iraqi President Saddam Hussein. As illustrated in this thesis, various reasons applied; amongst them that the US government did not want to “act beyond UN Resolutions”⁷⁸, which meant pushing back Iraq out of Kuwait and to ensure peace, security and order both in Kuwait and limitedly in Iraq. Finally, the US also pushed for UNSC Resolution 687, which specified when the sanctions against Iraq were going to be lifted, the main point being Iraq’s destruction of its WMD Programme.⁷⁹

The US policy towards Somalia was cautious at the beginning of the crisis. With the erosion of Soviet influence in the Horn of Africa, the US no longer considered US

⁷³ LEWIS, Paul; “After Noriega: United Nations; Two Delegates Vying to Be the Voice of the New Government”, in *The New York Times*, 29 December 1989, available online at <http://www.nytimes.com/1989/12/29/world/after-noriega-united-nations-two-delegates-vying-be-voice-new-government.html>, accessed in December 2014.

⁷⁴ UN General Assembly Resolution, *Effects of the military intervention by the United States of America in Panama on the situation in Central America*, 29 December 1989, available online at <http://www.un.org/documents/ga/res/44/a44r240.htm>, accessed in December 2014.

⁷⁵ BUSH, George H.W.; SCOWCROFT, Brent; *op.cit.*, p. 353.

⁷⁶ “Cheney and Powell testify to Armed Services Committee”, in *Congressional Quarterly Weekly Report*, 8 December 1990, pp. 4113-4114.

⁷⁷ BUSH, George H.W.; *op.cit.*, 11 September 1990, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=18820&st=&st1=>, accessed in December 2014.

⁷⁸ POWELL, Colin L.; *A Soldier's Way*, Random House, New York, 2011, pp. 502-521.

⁷⁹ MALONE, David M.; *The International Struggle over Iraq: Politics in the UN Security Council 1980-2005*, Oxford University Press, Oxford, 2007, p. 90.

engagement as imperative to US geostrategic interests. In the eyes of the US administration, the 1991-1992 crisis was insignificant, as it did not represent a threat to regional or international stability and was thus considered an internal Somali problem.⁸⁰ Hence, the administration deferred to the UN for dealing with the crisis. At first, though, the US government opposed the UN's initiatives to create an armed security force, fearing that new peacekeeping would inevitably necessitate greater US military involvement.⁸¹ Against this background, in January 1992, the UNSC finally unanimously adopted Resolution 733, imposing a general arms embargo on Somalia⁸² and in April 1992, it adopted Resolution 751, establishing the United Nations' Operation in Somalia (UNOSOM) I, which was set up to facilitate humanitarian aid.⁸³ However, the situation continued to deteriorate. As the press and national political pressure were starting to echo Somalia, Bush started to reflect about a possible stronger role of the US in the international relief efforts, thereby deciding in November 1992, following his US presidential electoral defeat and having his legacy in mind, to offer help to the UN to militarily create a secure environment for the delivery of humanitarian aid.⁸⁴ On 3 December 1992, the UNSC unanimously adopted Resolution 794, welcoming the American offer and authorizing the use of 'all necessary means' to do so.⁸⁵ Bush responded to Resolution 794 with a decision on 4 December 1992 to initiate 'Operation Restore Hope', under which the US would assume the unified command.⁸⁶ As a result, the Unified Task Force (UNITAF) was created. The US military secured the major Somali infrastructure for food distribution and more than 20 countries participated in the US led relief effort.⁸⁷

In the case of the violent break up of former Yugoslavia occurring at the beginning of the 1990s, and as illustrated in Chapter 2.3, the US administration was very hesitant to intervene and it devoted its diplomatic energies to prevent the collapse of the Yugoslav federation. Once violence erupted however, the policy changed from preven-

⁸⁰ BAKER, James A.; "From Cold War to Democratic Peace - Address before the World Affairs Council of Boston", in *US Department of State Dispatch*, 29 June 1992, available online at <http://dosfan.lib.uic.edu/ERC/briefing/dispatch/1992/html/Dispatchv3no26.html>, accessed in December 1994.

⁸¹ CLARK, Jeffrey; "Debacle in Somalia," in *Foreign Affairs, America and the World 1992 Issue*, pp. 109 – 123.

⁸² UN Security Council, *Resolution 733*, 23 January 1992, available online at [http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/733\(1992\)](http://www.un.org/ga/search/view_doc.asp?symbol=S/RES/733(1992)), accessed in December 1994.

⁸³ UN Security Council, *Resolution 751*, 24 April 1992, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/751\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/751(1992)), accessed in December 2014.

⁸⁴ A *New York Times* article ultimately made its way to President Bush, who reportedly wrote in the margins that "this is a terribly moving situation. Let's do everything we can to help." *Source*: OBERRDOPFER, Don; "US Took Slow Approach to Somali Crisis", in *The Washington Post*, 24 August 1992. PERLEZ, Jane; "Deaths in Somalia Outpace Delivery of Food," in *The New York Times*, 19 July 1992.

⁸⁵ UN Security Council, *Resolution 794*, 3 December 1992, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/794\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/794(1992)), accessed in December 2014.

⁸⁶ BUSH, George H.W.; *op.cit.*, 4 December 1992, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=21758&st=somalia&st1=>, accessed in December 2014.

⁸⁷ UN, *Historical Background to the Relief Efforts in Somalia*, available online at <http://www.un.org/en/peacekeeping/missions/past/unosom1backgr2.html>, accessed in December 2014.

tion to containment. Prior to the publication of concentration camp like images from the war in Bosnia, the administration limited itself to publicly criticising the Milosevic regime, still believing and publicly stressing that the violence was a direct consequence of ethnic loathing set free after the collapse of the communist government.⁸⁸ The administration claimed that the prudent policy was to elude any concrete US involvement in a violent situation that could only lead to a Vietnam like dilemma in the Balkans.⁸⁹

At the beginning of the war however, the US supported UN efforts to establish both a weapons embargo on the region and a protection force with UNSC Resolutions 713 and 743.⁹⁰ High-level officials in the Bush administration did not see the need to intervene in Bosnia, amongst those Scowcroft, Bush's National Security Advisor, proclaiming that Milosevic's war of aggression was not a reason for the US to intervene.⁹¹ Bush supported this view.⁹² Even though the UNSC adopted Resolution 770 in August 1992, which called on States to "take nationally or through regional agencies or arrangements all measures necessary"⁹³ to facilitate the delivery of humanitarian assistance through a no-fly zone; Bush publicly warned that his administration "would prevent the no-fly zone from becoming a slippery slope leading to deeper involvement."⁹⁴

The Bush administration was criticised for its stance on Bosnia, both domestically and internationally,⁹⁵ especially after the commended success of the Persian Gulf War. George H.W. Bush lost his re-election bid in November 1992, not only but also due to his very cautious approach to Bosnia. The winning Democratic presidential Candidate William J. Clinton had advocated a more activist policy for former Yugoslavia. Unable to control the evolution of the crisis, the Bush administration concluded that if the US were to intervene in response to a humanitarian crisis it would be in Somalia and not in Bosnia.

The analysis indicates therefore that in prominent cases such as in Somalia and in Bosnia, where, according to the still dominant Weinberger-Powell doctrine, primary US interests were not at stake, US involvement was very restrained. In the case of Somalia however, in the end, public pressure forced the administration to have a strong

⁸⁸ GUTMAN, Roy; *A Witness to Genocide: The First inside Account of the Horrors of Ethnic Cleansing in Bosnia*, Element Books, London, 1993. / GOMPERT, David; "How to defeat Serbia", in *Foreign Affairs*, Vol. 73, No. 4, 1994, pp. 30-47.

⁸⁹ BERT, Wayne; *The Reluctant Superpower: US Policy in Bosnia - 1991-95*, Macmillan, London, 1997, pp.92-106.

⁹⁰ UN, *Information about UNPROFOR*, available online at http://www.un.org/en/peacekeeping/missions/past/unprof_b.htm, accessed in December 2014.

⁹¹ BUSH, George H.W.; SCOWCROFT, Brent; *op.cit.*, p. 211

⁹² In HOAGLAND, Jim; "August Guns: How Sarajevo Will Reshape US Strategy", in *The Washington Post*, 9 August 1992.

⁹³ UN Security Council, *Resolution 770*, 13 August 1992, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/770\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/770(1992)), accessed in December 2014.

⁹⁴ In GOSHKO, John; "Bush urges Flight Ban over Bosnia", in *The Washington Post*, 7 October 1992.

⁹⁵ DIECKE, Helene; *The Influence of Public Opinion on Post-Cold War US Military Interventions*, Palgrave Macmillan, New York, 2015, pp.95-96.

stance. In the case of Bosnia, however, the Bush administration had the incoming Clinton administration clean up the mess. In the majority of US military interventions abroad though, the administration can be praised for having conveyed through multilateral institutions like the UN. Only in the case of Panama did the Bush administration circumvent multilateral institutions and international consensus and was thus criticised.

The investigation therefore explains that there was a clear US commitment to multilateralism, to consensual decision-making and to the UN in the US foreign policy of the Bush administration. Moreover, the administration also appeared determined to work with the UNSC as legitimizing tool for the use of military force abroad, except for the Panama intervention. Bush was aware of the key importance of the legitimising power of the UN and this was a key reason he chose to exercise consensual hegemonic leadership. Thus, the element of 'International Consensus' was mostly reflected in the administrations' foreign policy. Still, during the crises in Panama and in Bosnia international society criticised the administration's foreign policy. This therefore suggests that the Bush administration's foreign policy relates mostly with the contents and the definition of 'International Consensus' of the framework.

2.5 International Society

The reflection of the fourth element of the framework in US foreign policy will be evaluated by examining American acceptance of international society's composition at the time, and its role in shaping international society with the means of its foreign policy.

The Bush presidency began in a bipolar international order, but ended up with the US emerging as the only global superpower. At the start, the administration tried to shape the international order by involving the Soviet Union in major policy decisions, by for example broadening the trade relationship between the two blocs in granting Moscow observer status at the General Agreement on Tariffs and Trade (GATT) meetings. With discrete diplomacy, the administration was also able to keep the revolutionary feelings in the former Baltic States at bay while being able to convince the Soviet Union's leader Mikhail Gorbachev of the necessity of German reunification.⁹⁶

Bush and Gorbachev also agreed on a series of nuclear, environmental, scientific and technological agreements to extend the relations between the two blocs. Bush pushed for the Soviet Union's special association within the International Monetary

⁹⁶ GORBACHEV, Mikhail; in *News Conference of President Bush and President Mikhail Gorbachev of the Soviet Union*; Washington D.C., 3 June 1990, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=18549&st=&st1=>, accessed in November 2014.

Fund (IMF) and the World Bank, too.⁹⁷ He also advocated for the Freedom Support Act, granting the Soviet Union's successor, Russia, large financial support from the IMF.⁹⁸ The signing of the Strategic Arms Reduction Treaty (START) on 31 July 1991 further exemplified the continuous involvement and stable cooperation between the two superpowers.⁹⁹

The Bush administration can be considered as both a modest catalyst and observer of the abrupt and dramatic geopolitical changes that occurred during its tenure.¹⁰⁰ The administration only cautiously embraced the concept of a New World Order, as Chapter 2.3 and 2.4 demonstrated. The capacity of the Bush administration to act deliberately and to adjust to these transformative changes, resulted in significant successes in shaping and adjusting the international society of the time, by shifting international society's fundamental structure from 'containment' to 'superpower cooperation'. This was also finally highlighted by the desire of the US administration to establish strong relationships with the newly created post-communist Russia under its President Boris Yeltsin and diplomatic relations with the post-Soviet States.

The Bush administration was also willing to accept common international rules and obligations; essentially in the fields of defence and trade. The two most significant treaties in the field of defence are the CFE and START I and in 1993 even START II. These treaties signified the end of an era of superpower military competition and rivalry in Europe. Bush described START I¹⁰¹ as paving the way for peace.¹⁰² In the economic field, the Bush administration especially promoted the creation of APEC, established in November 1989; NAFTA, signed in October 1992; and the creation of the Group of 24.¹⁰³ In other areas, Bush also signed the United Nations framework Convention on Climate Change, thus making the US the world's first industrialized nation to ratify a treaty on climate change. The US also ratified the International Covenant on Civil and Political Rights (ICCPR).¹⁰⁴

⁹⁷ BUSH, George H. W.; *Remarks on the Waiver of the Jackson-Vanik Amendment and on Economic Assistance to the Soviet Union*, Washington D.C., 12 December 1990, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=19152&st=&st1=>, accessed in November 2014.

⁹⁸ McCORMICK, James; *op. cit.* 2014, p. 146.

⁹⁹ NAFTALI, Timothy; *op. cit.*, p. 136.

¹⁰⁰ MICHAEL, Nelson; PERRY, Barbara; *41: Inside the Presidency of George H.W. Bush*, Cornell University Press, Ithaca, 2014, p. 185.

¹⁰¹ NAFTALI, Timothy; *op. cit.*, p. 136.

¹⁰² BUSH, George H.W.; *Remarks by President Gorbachev and President Bush at the Signing Ceremony for the Strategic Arms Reduction Talks Treaty*, Moscow, 31 July 1991, available online at <http://www.Presidency.ucsb.edu/ws/index.php?pid=19853&st=&st1=>, accessed in December 2014.

¹⁰³ NAFTALI, Timothy; *op. cit.*, pp. 136-138.

¹⁰⁴ ROMANO, Cesare R.P.; *The Sword and the Scales: The US and International Courts and Tribunals*, Cambridge University Press, Cambridge, 2009, p. 223.

This therefore indicates that under the leadership of George H.W. Bush, the US was both willing and committed to cautiously (re)shape the international system. Bush helped transition the international system from a pure containment oriented direction to a superpower cooperation orientation. The CFE, START I and the Freedom Support Act exemplify how fast far reaching cooperation between the US and the former Soviet Union/Russia developed within just one year. The Bush administration was not only committed to improve relations with the Soviet Union, but also to strengthen and improve relations in the multilateral field, as the creation of NAFTA and APEC demonstrated. America's commitment to this element can also be seen in the fact that the US under George H. W. Bush accepted the composition of international society at the time. Under the leadership of George H.W. Bush, the US was willing and committed to subject itself to international rules and obligations ranging from bilateral obligations with the Soviet Union/Russia in the military and economic field, to multilateral treaties in the fields of economics, the environment and political rights. The Bush administration sought to manage a changed international system by seeking to create a New World Order based on traditional American values but within the limits of political realism. International society accepted the US as a legitimate superpower, by recognizing America's leadership role and its functions in influencing the international system of the time.

Consequently, the investigation advocates that the foreign policy of the Bush administration also displayed a strong commitment to the element of 'International Society', as it reflected its contents in its foreign policy actions. Thus, this indicates that the Bush administration's foreign policy relates mostly with the contents and the definition of the element of 'International Society'.

2.6 Conclusion

The analysis suggests that all of the framework's elements were mostly reflected in the Bush administration's foreign policy, though not unproblematically. US foreign policy under Bush was rarely contested by international society (with the exception of the Panama intervention and the non-intervention in Bosnia). Thereby the thesis illustrates that during 1989-1993, US foreign policy was characterised by a commitment for a stable international order; in which the US and Russia could cooperate peacefully, as well as a strengthened UN allowing for international consensus to emerge, as these elements were reflected substantially in Bush's foreign policy and the administration showed the strongest commitment to them, rather than commonly respected and shared international

norms and values. This result substantiates that the thesis' framework based on the FRC approach is an appropriate tool to analyse US foreign policy in the post-Cold War era in terms of international legitimacy, because it allows to consider that while the Bush foreign policy neither totally reflected all elements nor corresponded completely to the thesis' framework, it still demonstrated a high degree of legitimacy.

Due to the FRC approach, it was possible to illustrate that the reflection of the various USIL elements was not linear in the foreign policy of the 41st US President, but experienced an evolution: the elements of 'International Values and Norms', 'International Order' and 'International Consensus' actually experienced a weaker reflection at the beginning of Bush's term, essentially because of the various debates raised with the Panama intervention and the slow decision making process related to the Somali crisis. Their expression however improved towards the end of Bush's presidency. The element of 'International Society' however, underwent a constant reflection. Still, on the whole, the reflection of USIL in Bush's foreign policy can be considered as having been relatively stable.

In scholarly views, USIL was seen as strengthened during the presidency of George H.W. Bush, culminating in cultivating, strengthening and maintaining international partnerships while preserving international stability and the essential US role in that order, as stated by Brzezinski.¹⁰⁵ Legitimacy was used by the Bush administration to preserve the US role in the world. The administration thereby showed a strong understanding of legitimacy as a form of power and took active measures to ensure that US leadership was acknowledged and recognised. The administration understood that the end of the Cold War needed an adjustment of America's approach to leadership in world affairs to highlight elements of partnership and collective engagement.¹⁰⁶ Thus, the administration proved that it was mindful to execute its foreign policy and lead through responsible partnerships, consultation, consensus and engagement; further, the idea of an international order based on a multilateral commitment were the basis for international society to acknowledge that the US could be trusted to lead legitimately in order to achieve common objectives, as Lee explained.¹⁰⁷

In the years of George H. W. Bush's presidency therefore, US foreign policy was characterised by all USIL elements. The Bush administration's foreign policy ide-

¹⁰⁵ BRZEZINSKI, Zbigniew; *op.cit.*, 2007, p.179.

¹⁰⁶ BAKER, James A.; "A Summons to Leadership", *Address before the Chicago Council on Foreign Relations*, Chicago, 21 April 1992, available online at <http://dosfan.lib.uic.edu/ERC/briefing/dispatch/1992/html/Dispatchv3no17.html>, accessed in July 2017.

¹⁰⁷ LEE, Lavina R.; *op.cit.*, 2010, Position 3418.

als and values corresponded to those of the international community at the time, even though the Panama intervention led to an international questioning of its legality. This fact, however, was compensated with the management of the Persian Gulf War, for which the Bush administration was variously commended. The Bush administration was also both a prudent catalyser and observer of the events leading to the extended geopolitical transformation at the end of the Cold War, making the US the sole global superpower. The administration was also aware of the key importance of the legitimising authority the UN had for its foreign policy actions and the US under George H.W. Bush exercised consensual hegemonic leadership understanding that working through international institutions both created and supported the international order after the end of the Cold War. The US government under Bush was also both willing and committed to subject the US to international rules and obligations in both the bilateral and the multilateral field. The Bush administration actively engaged its foreign policy towards the Soviet Union in shifting from containment to superpower cooperation.

Thus, the framework of the thesis suggests that the George H. W. Bush administration's foreign policy can be considered as mostly legitimate, because Bush's foreign policy mostly corresponded to and met all of its elements (see Table 8). Ultimately, the US under Bush emerged as the only remaining global superpower bestowed with legitimacy by the international community. In the Bush administration, USIL was seen as a necessary condition to secure for the US a stable future in Bush's 'New World Order'.

<p style="text-align: center;">THESIS' FRAMEWORK FOR THE ANALYSIS OF USIL IN TE POST-COLD WAR ERA:</p> <p style="text-align: center;">Analytical Perspective: dynamic, evolutionary, based on the FRC approach</p>	<p>CONTENTS AND DIMENSIONS OF THE USIL ELEMENTS BASED ON TABLE 7</p>	<p>Foreign Policy of the George H. W. Bush administration</p>
	<p>INTERNATIONAL VALUES AND NORMS (<i>Substantive</i>)</p>	
	<p>INTERNATIONAL ORDER (<i>Procedural</i>)</p>	
	<p>INTERNATIONAL CONSENSUS (<i>Procedural</i>)</p>	
	<p>INTERNATIONAL SOCIETY (-)</p>	
<p>RESULT OF THE ASSESSMENT OF US INTERNATIONAL LEGITIMACY BASED ON THE SCALES IN TABLE 5 AND 6 (ACADEMIC/ SCHOLARLY JUDGMENT):</p>		<p>MOSTLY LEGITIMATE</p>

Table 8 - Matrix for the assessment of USIL in the George H. W. Bush administration's foreign policy

3. THE WILLIAM J. CLINTON PRESIDENCY, 1993-2001

3.1 Introduction

In the 1992 US presidential election, William J. Clinton won a plurality in the popular vote and a wide Electoral College margin. It was a significant realigning election after three consecutive Republican victories.¹ As Clinton expressed in his inaugural address² he came to office at a time of exceptional national and international conditions: a few years earlier, the Iron Curtain that had separated much of Europe since the end of World War II had fallen, together with the Soviet Union. The world had suddenly changed to a unipolar moment, making the US the only global superpower. Clinton was the first elected US president from the Democratic Party to take over the reins of US power in this newly unipolar world. Clinton also won re-election in 1996.³

Scholars and the media have differing views about Clinton's presidency. The supporters of the administration's foreign policy generally appraise Clinton as "the Globalization President"⁴, "the Champion of Human Rights"⁵ or "the Great Appeaser"⁶. Clinton was often also described as being the first US president to have given "economics the role it deserves in foreign policy"⁷ or that thanks to Clinton "the World is better off today than it was eight years ago"⁸. Clinton administration opponents have depicted his administration's foreign policy as "lacking a clear vision"⁹, having contributed that the US had "lost Russia"¹⁰ and that it had "dangerously weakened US Defenses"¹¹. The most prominent description of the Clinton foreign policy was – to paraphrase Carl von Clausewitz – "the continuation of domestic policy by other means"¹².

The thesis' framework shows that in terms of USIL, the Clinton administration's foreign policy was relatively committed both to the contents of the various framework's

¹ Data from the American Presidency Project, accessible online at <http://www.presidency.ucsb.edu/index.php>, accessed in February 2014.

² CLINTON, William J.; *Inaugural Address*, 20 January 1993, accessible online at <http://www.presidency.ucsb.edu/ws/index.php?pid=46366>, accessed in February 2014.

³ HEALE, Michael; *Twentieth-Century America: Politics and Power in the US, 1900-2000*; Hodder Arnold, London, 2004, p. 305.

⁴ MORGAN, Iwan; „A New Democrat's New Economics“, in WHITE, Mark (ed.); *The Presidency of Bill Clinton: The Legacy of a New Domestic and Foreign Policy*; IB Tauris, New York, 2012, p. 76.

⁵ BOVARD, James; „When the spoils of war are human organs“, in *The Washington Times*, 4 August 2014.

⁶ MORAN, Michael; „As a statesman, a mixed legacy“, in *NBC News*, 2013.

⁷ *Foreign Policy*, „Think Again, Clinton's Foreign Policy“, November 2000, available online at http://www.foreignpolicy.com/articles/2000/11/01/think_again_clintons_foreign_policy, accessed in June 2014.

⁸ DYLAN, Matthews; „The Clinton Economy in Charts“, in *The Washington Post*, 5 September 2012, available online at <http://www.washingtonpost.com/blogs/wonkblog/wp/2012/09/05/the-clinton-economy-in-charts/>, accessed in June 2014.

⁹ HAAS, Richard; „Paradigm Lost“, in *Foreign Affairs*, No. 74, January-February 1995, p. 52.

¹⁰ By losing Russia, Kagan essentially stated that the Clinton administration missed the opportunity "to push Moscow to build the regulatory infrastructure necessary to soften the blows of economic 'shock therapy' or to institute the 'rule of law' needed to protect private property and limit corruption." Source: KAGAN, Robert; "The Clinton Legacy Abroad: His Sins of Omission", in the *Weekly Standard*, 15 January 2001, pp. 7ff.

¹¹ HALBERSTAM, David; *War in Time of Peace: Bush, Clinton and the Generals*, Scribner, New York, 2001, p. 543.

¹² LINDSAY, James M.; "The New Apathy: How an Uninterested Public Is Reshaping Foreign Policy", in *Foreign Affairs*, September/October 2000, available online at <http://www.foreignaffairs.com/articles/56425/james-m-lindsay/the-new-apaty-how-an-uninterested-public-is-reshaping-foreign-p>, accessed in August 2014.

elements and they were also reflected in the administration's foreign policy actions. International society only contested America's commitment to the various elements in the cases of Kosovo and Rwanda. The Chapter also illustrates that some elements were mirrored more strongly in US foreign policy than others.

Specifically, 'International Values and Norms' was partially reflected in the administration's foreign policy, because it mostly incorporated the values and norms that were shared by the international community at that time, but the interventions in Bosnia, Kosovo and the air raids in Iraq raised various questions related to the legality and morality of those acts. 'International Order' also partially played a role in the administration's foreign policy, because the US neither radically altered the international system nor fundamentally challenged the existing balance of power. Still, under Clinton the US intervened in various crises and was thus not adept to a moderate foreign policy. 'International Consensus' was mostly reflected in the foreign policy of the administration, as it was committed to multilateralism, but its commitment was different in the two terms. The element of 'International Society' played a similar role in the foreign policy of the Clinton administration. Therefore, the framework shows that US foreign policy was less characterised by contributing to a stable international order and respecting the commonly shared international norms and values of the time. Rather, US foreign policy was more characterised by the ability to influence international society or by a commitment to achieving international consensus. Even though not all of the framework's elements are fully reflected in the administration's foreign policy, the FRC approach suggests that the Clinton administration's foreign policy can be considered partially legitimate. Still, in the view of scholars like Dumbrell, Clinton was seen to hand over to George W. Bush a country with a global respected and legitimate leadership profile.¹³

3.2 International Values and Norms

In terms of 'International Values and Norms', the Clinton administration's foreign policy can be characterised essentially by four developments. The first was the significant change in the international order by the disappearance of the Soviet Union leaving the US as the only global superpower. The second was the steady spread of global trade and financial flows characterised by globalisation. The third trend was the re-emergence of the UN as the major centre for decision-making in international politics. The last trend

¹³ DUMBRELL, John; *op.cit.*, 2009, p.171.

was the rise of various ethnic and nationalistic conflicts. To address these issues, the Clinton administration centred its foreign policy making on two major core values.

The first core value was the commitment to the advancement of freedom, democracy and human rights in the world,¹⁴ which was used to address the first and second trend described above. In fact, both the disappearance of the Soviet Union and the significant change in the world economic order after the end of the Cold War led to a world economy that ceased to be centred on the economic pillars of the post-World War II order, i.e. the IMF and the World Bank. Instead it focused on a new ‘balance of accounts’, meaning an increasingly interconnected and complex global economy, conducted by global financial flows. The change in the geopolitical environment with the dissolution of the Soviet Union led Clinton to expound that values such as freedom, democracy and human rights would be the core of his administration’s future foreign policy.¹⁵ This core value, however, was also the most debated one as this thesis will show. Stumbling from the disaster in Somalia, the Clinton administration virtually ignored the horrifying bloodbath in Rwanda and accepted dictatorships elsewhere in Africa, like in Sierra Leone.¹⁶ In Russia, antidemocratic extremists on the right and left were in the majority and throughout the Middle East; the US tolerated and assisted antidemocratic regimes, like in Kuwait or Saudi Arabia.¹⁷ Finally, the administration paid only lip service to the progress of democracy in China.¹⁸ The broad trend toward democracy promotion as proclaimed by Clinton was stronger near the end of Clinton’s tenure, as the example of Haiti shows.

The second core value was the belief in force only if morally grounded and discretionary and the belief in the importance of multilateral institutions. This value allowed the Clinton administration to address the third and fourth development described above. In essence, the administration’s belief of a policy’s validity was whether it could collect both domestic and international support. Accordingly, unilateral intervention was seen as wide off the mark; the era of multilateral foreign policy and collective security centred on the UN should be the basis of any foreign intervention, at least this was seen so in the first term. In this respect, US Secretary of State Madeleine Albright argued that

¹⁴ *Ibid.*, pp. 171-178.

¹⁵ CLINTON, William J.; *op.cit.*, 20 January 1993, available online at <http://dosfan.lib.uic.edu/ERC/briefing/dispatch/1993/html/Dispatchv4no04.html>, accessed in March 2014.

¹⁶ CARMODY, Padraig; *The New Scramble for Africa*, John Wiley & Sons, Hoboken NJ, 2016, pp. 68-71.

¹⁷ INDYK, Martin; “The Clinton Administration’s Approach to the Middle East”, *Conference Reports*, Soref Symposium, The Washington Institute, 1993, available online at <http://www.washingtoninstitute.org/policy-analysis/view/the-clinton-administrations-approach-to-the-middle-east>, accessed in July 2017.

¹⁸ DUMBRELL, John; *op.cit.*, 2009, p.174.

legitimacy would be conferred if actions were taken with international support. Hence, she believed that the legitimate exercise of power was crucial for the administration's foreign policy.¹⁹ As a result, for the administration morality was the broad rationale for peace making (as opposed to peacekeeping), for 'humanitarian' intervention, and for conducting an ethical foreign policy, one that rested not on American power but on the international legitimacy of multilateral institutions, such as the UN or NATO.²⁰ Thus, the Clinton administration's core values were in harmony with the international developments of the time. As Michael Hirsh noted, Clinton believed in an international community "built on non-proliferation agreements, intelligence cooperation, and legitimizing institutions like the UN, as well as a broad consensus on democracy, markets, and human-rights norms."²¹

The norms of legality, morality and constitutionality played an important role during Clinton's terms in office. In the context of the US led military interventions in Somalia, Rwanda, Bosnia and Kosovo, the norms of legality and morality were internationally debated, as were legality vs. legitimacy.

In the case of Somalia, the UNSC authorized the use of force, indicating that humanitarian concerns had come to override the previously fundamental rule of non-interference. The US administration had the prevailing view that there were no interests beyond the humanitarian and that the expansion of the mission's objectives could not justify the rising costs of the peacekeeping operations.²² Moreover, there was not enough support from the public for long-term US involvement which would last until peace was established in Somalia.²³ The Somali case was therefore going to be remembered as being neither morally nor legitimately defensible in US view.

The second case, Rwanda, was going to be recalled as the international community's failed attempt to take timely and effective action to stop genocide. This was in part attributed to the fact that Rwanda did not pose a security risk for the majority of states in the international community. Rather, major players like the US thought that another intervention in an African civil war (so soon after the experience in Somalia) would most likely fail and that the reputation of the UN would be further damaged. This

¹⁹ ALBRIGHT, Madeleine; *Statement before the 55th regular session of the UN General Assembly*, New York, 12 September 2000, available online at <http://www.state.gov/documents/organization/7695.pdf>, accessed in April 2014.

²⁰ HYLAND, William G.; *Clinton's World: Remaking American Foreign Policy*, Prager Publishers, Westport, 1999, pp.15-29.

²¹ HIRSH, Michael; *At War with Ourselves: Why America is squandering its Chance to Build a Better World*, Oxford University Press, New York, 2003, p. 7.

²² CLARKE, Walter; HERBST, Jeffrey; "Somalia and the future of humanitarian intervention", in *Foreign Affairs*, March/April 1996.

²³ KLAREVA, Louis J.; "The polls, trends, the US peace operations in Somalia", in *Public Opinion Quarterly*, No. 64, 2000, p. 535.

was despite the strong support for intervention in Rwanda on an ethical basis expressed by international public opinion.²⁴ The lack of vital US national interests in Central Africa was the key factor explaining the position of the US which maintained a hands-off policy even after the confirmation of genocide.²⁵ Clinton administration officials believed that there would be no support for US military action in Rwanda from Congress, the military or the public²⁶. Since Somalia, the US Congress had been reluctant to endorse any sort of peacekeeping approach, and Rwanda was therefore no exception.²⁷

The Bosnian case highlighted the importance of humanitarian concerns, which boosted the UN intervention and NATO's later entrance into the international peace making process. Opposition to legitimatizing the use of force in Bosnia stemmed from the absence of strategic interests in Bosnia. The UNSC acted on international humanitarian and human rights situations in Bosnia under UN Charter Chapter VII and in so doing linked humanitarian issues with international peace and security. The Clinton administration and US Congress argued that in Bosnia too, there was a lack of vital interests for the US.²⁸ Although of critical importance to the Western Democracies, humanitarian concerns alone proved an inadequate basis for intervention. On the one hand, given the perceived lack of vital interest in Bosnia, US policy makers found it difficult to justify the high cost of using force. On the other hand, frustration with and disapproval of intervention became more pronounced as the intervening parties failed to implement their mandate to defend the safe areas. The powerful impact of that censure ultimately transformed the entire basis of intervention, enabling the parties to muster their political commitment to use sufficient force.²⁹ In the end, the US led air campaign in Bosnia had the UN and Europeans handle much of the burden of peacekeeping and reconstruction.

The Kosovo intervention was defined by scholars like Adam Roberts as the first Major use of destructive armed force [...] undertaken with the stated purpose of implementing a UN Security Council Resolution but without Security Council authorisation. [...] The use of force was intended to bring a halt to crimes against humanity being committed by a state within its own borders.³⁰

²⁴ FARRELL, Theo; "Humanitarian Intervention and Peace Operations", in BAYLIS, John; WIRTZ, James J.; GRAY, Colin S.; *Strategy in the Contemporary World: An Introduction to Strategic Studies*, Oxford University Press, Oxford, 2010, pp. 315-317.

²⁵ BARNETT, Michael N.; *The UN Security Council, Indifference, and Genocide in Rwanda*, 1997, available online at http://home.gwu.edu/~barnett/articles/1997_indifference_ca.pdf, accessed in April 2014.

²⁶ DAALDER, Ivo; *op.cit.*, in DURCH, William J. (ed.); *op.cit.* 1996, pp. 35-68.

²⁷ *Ibid.*, pp. 35-68.

²⁸ BROWNE, Marjorie Ann; *UN System Funding: Congressional Issues*, Congressional Research Service, Washington D.C., 15 January 2013, available online at <https://www.fas.org/sgp/crs/row/RL33611.pdf>, accessed in April 2014, p. 31.

²⁹ AOI, Chiyuki; *Legitimacy and the Use of Armed Force: Stability Missions in the Post-Cold War Era*, Routledge Publishers, New York, 2011, p. 62.

³⁰ ROBERTS, Adam; "NATO's 'Humanitarian War' Over Kosovo", in *Survival*, Vol. 41, No. 3, 1 October 1999, p.102.

The major issue arising about the Kosovo conflict was both tied to the legality and the morality of the use of force. The intervention was going to be remembered as the first ‘humanitarian’ intervention and additionally as being illegal but morally defensible. In 2000, Yugoslavia sued NATO countries in the International Court of Justice (ICJ). The ICJ acknowledged that it is “profoundly concerned with the use of force in Yugoslavia; under the present circumstances such use raises very serious issues of international law.”³¹ The ICJ also expressed concern about humanitarian law as well as the use of force: “None of the major human rights treaties recognize the right of a state to use force in response to violations of rights contained in them.”³² This finding had serious repercussions on the legitimacy claim of such an armed intervention. In the case of Kosovo, the Independent International Commission (IIC) on Kosovo concluded that

The NATO military intervention was illegal but legitimate. It was illegal because it did not receive prior approval from the UN Security Council. However, the Commission considers that the intervention was justified because all diplomatic venues had been exhausted and because the intervention had the effect of liberating [...] Kosovo from a long period of oppression under Serbian rule.³³

The IIC thereby made a clear distinction between the two normative categories of legality and legitimacy. It questioned the legality of the war, noting that “it remains difficult to reconcile NATO’s recourse to armed intervention on behalf of Kosovo with the general framework of rights and duties which determines the legality of the use of force.”³⁴ At the same time, it drew attention to the argument that “given the unfolding humanitarian catastrophe [...] the use of force by NATO was legitimate.”³⁵

Scholars such as Nicholas J. Wheeler and Richard A. Falk observed the visible contrast between legality and legitimacy of the use of force in Kosovo. Wheeler stated that there is a “conflict between legality and legitimacy posed by NATO’s military intervention in Kosovo”³⁶; while Falk noted that “the Kosovo dilemma disclosed an undesirable gap between legitimacy and legality.”³⁷ The debate about legality and legitimacy of the military intervention in Kosovo also highlights that legitimacy was not as strongly tied to legality as it was to morality, since the international consensus existing at that time ranked morality higher than the legality of such an intervention. As Falk argued

³¹ ICJ Reports, *Legality of the Use of Force*, 2 June 1999, available online at <http://www.icj-cij.org/docket/index.php?pr=369&p1=3&p2=3cari&p3=6&k=d6&PHPSESSID=c3904a11b1ff8e75c33b2e5271927a0a&case=112&PHPSESSID=c3904a11b1ff8e75c33b2e5271927a0a>, accessed in April 2014.

³² ICJ Reports, *op.cit.*,

³³ Independent International Commission IIC, *The Kosovo Report*, Oxford University Press, New York, 2000, p. 4.

³⁴ IIC, *op.cit.*, 2000, p.167.

³⁵ *Ibid.*, p.167.

³⁶ WHEELER, Nicholas J.; “Reflections on the legality and legitimacy of NATO’s intervention in Kosovo”, in *The International Journal of Human Rights - Special Issue: The Kosovo Tragedy The Human Rights Dimensions*, Volume 4, Issue 3-4, 2000, p. 145.

³⁷ FALK, Richard A.; *The Great Terror War*, Olive Branch Publishers, New York, 2002, p. xvi.

“the NATO war while technically illegal, was politically and morally legitimate at the time.”³⁸ Thus, the Commission employed legitimacy as a substitute for a moral or humanitarian objective. In this way, the operation might not have been strictly legal, but could be endorsed by its undeniable moral purposes. Accordingly, US Secretary of State Albright asserted that “the alliance has the legitimacy to act to stop a catastrophe, even without further UN authorization.”³⁹ The limited international consensus at the time however did not favour the intervention. On the one hand, there were those who supported the NATO action legitimizing it as legal, while also supporting humanitarian objectives. Those who opposed it viewed it as illegal, whatever the moral view and thus denied its claim to legitimacy. The Kosovo debate was furthermore characterised by the double-edginess of the role played by the UN. On the one hand, the UNSC was used as legalising the use of force in Kosovo. On the other hand, the UN also played a role in the consensus-based legitimacy debate, as Chapter 3.4 shows.

The examination shows therefore that the contents of the Clinton administration’s foreign policy partially reflected the shared values of international society of the time. The US under Clinton only partially conformed to international society’s established procedures, due especially to the non-intervention in Rwanda, which was longed for by the international community. US military interventions under the Clinton administration broadened the international community’s understanding of the importance and the acceptance of the international norms of legality and morality. Even though various military interventions (or non-interventions as in Rwanda) were the cause of much debate about the legality or illegality of such actions; their common moral purpose was not questioned by international society. This created an important precedent that legitimized the use of force, even without UNSC authorisation or lacking clear legal bases on international humanitarian law or human rights grounds. This, however, is nothing more than the proof of the idea set out in Chapter 1, that legitimacy is to be found in the vicinity of both morality and legality and thus cannot be a matter of legality alone.

Thus, this Chapter concludes that the foreign policy of the Clinton administration exhibited a partial commitment to ‘International Values and Norms’. This indicates that the administration’s foreign policy partially corresponds to the contents and the definition of ‘International Values and Norms’ of the thesis’ framework.

³⁸ *Ibid.*, p. xvi.

³⁹ ALBRIGHT, Madeleine K.; *Press Conference on Kosovo*, Brussels, 8 October 1998, available online at <http://1997-2001.state.gov/www/statements/1998/981008.html> accessed in April 2014, accessed in April 2014.

3.3 International Order

Clinton came to office when the Cold War was officially defunct; making the US the global single superpower. Post-Soviet Russia's economy collapsed.⁴⁰ Western Europeans concentrated on their historic task to combine national sovereignty with monetary union. China progressed slowly, a nation in transition, remaining a developing country with its superpower future well ahead of it.

Clinton found himself in a situation of unprecedented US primacy in the world. However, as this thesis shows, hegemonic power and legitimacy have to find a delicate balance to coexist. The Clinton administration was confronted with an international order that was characterised by a promulgation of various international trouble spots, none of which, however, threatened the vital interest of the US. The US administration was therefore reluctant to intervene in various cases. Clinton kept reminding the American public that he had not been elected to be the world's policeman⁴¹, but still considered the US to be the 'indispensable nation'⁴² in the world. Instead of acting convincingly on various international trouble spots, the administration preferred to impose sanctions on those regimes. This was criticised by international partners, who claimed that it had too often tailored US foreign policy to popular opinion.⁴³

During his presidential Campaign in 1992, Clinton asserted an activist, interventionist foreign policy. When Clinton was elected, Clinton's National Security Advisor, Anthony Lake, stated that the US had to "engage actively in the world [...] to increase our prosperity, update our security arrangements and promote democracy aboard."⁴⁴ Repeatedly Clinton expressed his willingness to use military force, should the need arise: US military forces intervened in 23 countries⁴⁵. In the context of USIL, five military interventions are worth to be examined in the Clinton era: Somalia, Haiti, Bosnia, Iraq and Kosovo.

⁴⁰ KVINTRADZE, Eteri; "Russia's Output Collapse and Recovery: Evidence from the Post-Soviet Transition", in *IMF Working Paper*, International Monetary Fund, Washington D.C., April 2010, pp. 4-5.

⁴¹ CLINTON, William J.; *Address to the UN General Assembly*, New York, 21 September 1999, available online at <http://www.state.gov/p/io/potusunga/207554.htm>, accessed in April 2014.

⁴² CLINTON, William J.; *op.cit.*, 20 January 1993, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=54183>, accessed in February 2018.

⁴³ HYLAND, William G.; *op.cit.*, pp. 197-207.

⁴⁴ LAKE, Anthony L.; *From Containment to Enlargement*, Johns Hopkins University, School of Advanced International Studies, Washington, D.C., 21 September 1993, available online at <https://www.mtholyoke.edu/acad/intrel/lakedoc.html>, accessed in February 2018.

⁴⁵ These include situations of military conflict or potential conflict or for other than normal peacetime purposes and are (in chronological order): Iraq, Bosnia, Somalia, Macedonia, Haiti, Rwanda, Liberia, Central African Republic, Zaire, Albania, Congo, Gabon, Sierra Leone, Cambodia, Guinea Bissau, Kenya, Tanzania, Afghanistan, Sudan, Yugoslavia, East Timor, Kosovo and Yemen. Source: GRIMMET, Richard F.; *Instances of Use of United States Armed Forces Abroad - 1798-2009*; Congressional Research Service, Washington D.C., 27 January 2010, pp.15-22. / HENDRICKSON, Ryan C.; *The Clinton Wars: The Constitution, Congress, and War Powers*; Vanderbilt University Press, Nashville, 2002.

The first case of Somalia can be characterised as a humanitarian crisis in which the US acted in three steps: firstly, immediate aid relief. After that the UNSC had adopted Resolution 794 and had thereby authorised the use of peacekeeping troops,⁴⁶ Bush sent roughly 25,000 troops to Somalia to assist the UN with the distribution of food and other relief supplies but expressed that there was “no intention for US armed forces in Somalia to become involved in hostilities.”⁴⁷ Secondly, nation building: by the time Clinton took office in 1993, US troop levels had been reduced, largely replaced with forces operating under the UN flag. The Clinton administration started to talk of ‘nation building’⁴⁸ in Somalia.⁴⁹ Thirdly, implementing an exit strategy: after the death of 18 US Rangers in Somalia, the US temporarily reinforced its troops but retreated from the more ambitious ‘nation-building’ agenda. Under pressure from Congress, Clinton announced in October 1993 that all US troops would exit Somalia no later than 31 March 1994 and stated that the “US military mission in Somalia is not now, nor was it ever one of ‘nation building’”.⁵⁰ The criticised mission in Somalia led to the resignation of Leslie Aspin as US Secretary of Defence. William J. Perry became his successor.⁵¹

The second case of Haiti is an example for active US contribution to the restoration of peace and democracy by multilateral efforts. Accordingly, Clinton administration officials often publicly praised the Haitian intervention as a model effort to restore democracy and promote stability abroad. The US additionally combined two essential elements for the successful outcome of the crisis. The first element, the demonstration of military strength and US commitment, came to be felt in the first phase of the crisis: after the forced dismissal of the first democratically elected president of Haiti in September 1991, the UNSC adopted various embargoes against Haiti in an effort to force the current military regime to stand down. In July 1994, the UNSC passed Resolution 940 inviting all states to use “all necessary means” to remove the military leadership on the island.⁵² In an address to the nation, Clinton made it clear that he was ready to use

⁴⁶ UN Security Council, *Resolution 794*, 3 December 1994, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/794\(1992\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/794(1992)), accessed in April 2014.

⁴⁷ BUSH, George H. W.; *Letter to Congressional Leaders on the Situation in Somalia*, Washington D.C., 10 December 1992, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=21765&st=somalia&st1=>, accessed in April 2014.

⁴⁸ As emphasized by James Dobbins, who was the Clinton administration’s special envoy for Somalia, Haiti, Bosnia, and Kosovo, “nation-building missions are not launched to make poor societies prosperous, but rather to make warring ones peaceful.” *Source*: DOBBINS, James F.; “Preparing for nation-building”, in *Survival*, Vol. 48, No. 3, Autumn 2006, p. 36.

⁴⁹ In LYONS, Terence; SAMATAR, Ahmed I.; *Somalia: State Collapse, Multilateral Intervention and Strategies for Political Reconstruction*, The Brookings Institution, Washington D.C., 1995, p.58.

⁵⁰ CLINTON, William J.; *Message to the Congress Transmitting a Report on Somalia*; 13 October 1993, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=47197&st=somalia&st1=>, accessed in April 2014.

⁵¹ ASPIN, Les; *Letter of Resignation as US Secretary of Defense*, Public Papers of the Presidents, available online at <http://www.presidency.ucsb.edu/ws/?pid=46243>, accessed in April 2014.

⁵² UN Security Council, *Resolution 940*, 31 July 1994, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/940\(1994\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/940(1994)), accessed in April 2014.

military force to invade Haiti, based on the UN Resolution of July 1994, and his commitment to lead a multinational force “to carry out the will of the UN.”⁵³ The second element consists in the diplomatic success: in the final phase of the crisis, when military strength had contributed to more openness by Haitian leaders, the US diplomatically achieved a breakthrough that was negotiated by former US President Jimmy Carter in which the military leaders in Haiti agreed to resign to permit the return of the deposed Haitian President Bertrand Aristide.⁵⁴ US troops were sent in to provide stability.⁵⁵

The third case of Bosnia exemplifies that not only NATO’s credibility, but the leadership and hegemonic position of the US in world affairs had come to directly depend on how successfully the US could lead its allies out of the Bosnian impasse, although there was disagreement as to how much cost was warranted, especially in military terms.⁵⁶ Aware of the previous failed experience made with ‘nation-building’ in Somalia, the Clinton administration limited US troops’ involvement to the minimum possible in former Yugoslavia. The Bosnia conflict exemplified and strengthened the confidence in the new American primacy after the fall of the Berlin wall. As stressed previously in this Chapter, Clinton did not see the US as a world policeman. His team was strongly divided upon the type of intervention over former Yugoslavia.⁵⁷ Various US-British led diplomatic initiatives were started to buy time, such as the Vance-Owen negotiations, exemplifying the first decisive failure of the newly installed Clinton administration in a large international conflict.⁵⁸ In the second phase of the Bosnian crisis, the Clinton administration perceived that NATO unity over Bosnia as well as the relations with major European capitals were at stake. In fact, the emerging concern was that the US might lose its leadership position in NATO and the Western world by failing to effectively take the helm in Bosnia. This worry had been expressed since 1994 also by then US Ambassador to the UN Madeleine Albright, who was alarmed that the US was sending a message to the international community that it was not willing to commit itself credibly to European security affairs.⁵⁹ As a result, when the slaughter in Srebrenica occurred, Clinton finally recognized that deferring intervention over Bosnia to Europe-

⁵³ CLINTON, William J.; *Address to the Nation on Haiti*, Washington D.C., 15 September 1994, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=49093&st=&st1=>, accessed in April 2014.

⁵⁴ FISHER, Louis; *Presidential War Power*, University Press of Kansas, Lawrence, 2004, p. 182.

⁵⁵ CARTER, Jimmy; *The President's News Conference on Haiti*; Washington D.C., 19 September 1994, available online at <http://www.presidency.ucsb.edu/ws/?pid=49110>, accessed in April 2014.

⁵⁶ AOI, Chiyuki; *op.cit.*, p. 60.

⁵⁷ WOERHEL, Steven; *Bosnia and Herzegovina: Current Issues and US Policy*, Congressional Research Service, Washington D.C., 24 January 2013, available online at <http://www.fas.org/sgp/crs/row/R40479.pdf>, accessed in May 2014.

⁵⁸ HYLAND, William G.; *op.cit.*, pp.93-109.

⁵⁹ DAALDER, Ivo H.; *Getting to Dayton: The Making of America's Bosnia Policy*, Brookings Institution, Washington D.C., 2000, p. 24.

ans had been a failure, since, in the eyes of Clinton, his foreign policy had been at the mercy of his allies. In addition, the French president's statement that the position of leader of the free world had been "vacant"⁶⁰, had the US administration decide for more decisive action.⁶¹ In concert with the UN and NATO, the US participated in humanitarian airlifts making it the first time in the history of NATO that its forces had been engaged in real combat operations. Clinton explained that he had authorized the air-raids together with allies and NATO to implement UNSC Resolutions.⁶²

The fourth case of Iraq highlights two essential elements. The first is the order to attack Iraq as a means of increasing Clinton's domestic image as a decisive leader.⁶³ Clinton himself argued that whenever foreign leaders abused their people and/or threatened their neighbours, the American president could unleash a military attack to punish them.⁶⁴ After various failed negotiation rounds between the UN and Iraqi President Saddam Hussein's regime to give UN inspectors access to Iraqi sites, the Clinton administration justified the military action as an effort to attack Iraq's WMD programme, because Iraq had failed to cooperate fully with UN weapons inspectors and to "protect the national interest of the United States and [...] the world."⁶⁵ The second element consists in the credibility America's hegemonic power, as stated by Clinton:

If Saddam can cripple the weapons inspections system and get away with it, he would conclude that the international community, led by the United States, has simply lost its will. [...] If we turn our backs on his defiance, the credibility of US power as a check against Saddam will be destroyed.⁶⁶

In a letter to Congress, Clinton argued that the military action in Iraq was consistent with UNSC Resolutions 678 and 687.⁶⁷

The last case, the war in Kosovo, was viewed by scholars like Dumbrell as a 'success', especially after the fall of Slobodan Milosevic, then President of the Federal Republic of Yugoslavia, in October 2000.⁶⁸ The major legacy of this war, however, was that it came to be considered as the "first ever humanitarian war".⁶⁹ The achievement of the Dayton Accords in the Bosnian conflict had made the Clinton administra-

⁶⁰ *Ibid.*, p. 93.

⁶¹ CLINTON, William J.; *My Life*, Alfred F. Knopf Publications, New York, 2004, p. 631.

⁶² DUMBRELL, John; *op.cit.*, 2009, p.96.

⁶³ MARCUS, Ruth; WILLIAMS, Daniel; "Show of Strength Offers Benefits for Clinton", in *The Washington Post*, 28 June 1993.

⁶⁴ HYLAND, William G.; *op.cit.*, loc.714.

⁶⁵ CLINTON, William J.; *Address to the Nation Announcing Military Strikes on Iraq*, Washington D.C., 16 December 1998, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=55414&st=&st1=>, accessed in April 2014.

⁶⁶ *Ibid.*, accessed in April 2014.

⁶⁷ CLINTON, William J.; *Letter to Congressional Leaders on the Military Strikes against Iraq*, 18 December 1998, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=55432&st=&st1=>, accessed in April 2014.

⁶⁸ *Ibid.*, 2009, p.97.

⁶⁹ In DIPRIZIO, Robert; *Armed Humanitarians: US Interventions from Northern Iraq to Kosovo*, Johns Hopkins University Press, Baltimore, 2002, p. 130.

tion much more confident in international conflict management. Kosovo, however, was not a duplication of Bosnia, since Milosevic was still in power, but could now be regarded as a regional force of stability and because of the new US Secretary of State Madeleine Albright, personally committed to the Kosovo case.⁷⁰ Again, NATO played a crucial role, as by the end of 1998, an international consensus emerged that NATO had to lead the military operations again. Despite Russian ambiguity within the UNSC, the UN applied sanctions to Serbia.⁷¹ If the Serbian military action in Kosovo was to continue, NATO threatened Belgrade with air strikes. On 6 February 1999, peace negotiations opened in Rambouillet, France. According to Ivo H. Daalder and Michael E. O'Hanlon, the purpose of Rambouillet was to "create a consensus in Washington and among the NATO allies that force would have to be used."⁷² Clinton pledged to contribute up to 4,000 US troops to an envisaged NATO-led peacekeeping force in Kosovo, should the parties reach a strong peace agreement. In an address to the nation he took the Bosnian case to explain US troop deployment in Kosovo:

Bosnia taught us a lesson: [...] violence we fail to oppose leads to even greater violence [...]. We must heed that lesson in Kosovo. [...] America has a national interest in achieving this peace. If the conflict persists, [...]. There is a serious risk the hostilities would spread to the neighbouring new democracies [...] and reignite the conflict in Bosnia we worked so hard to stop.⁷³

The Kosovo-Albanians agreed to the peace terms in Rambouillet, while Milosevic did not. On 24 March 1999, Clinton announced air strikes to Serbia⁷⁴ and emphasized that he did not "intend to put our troops in Kosovo to fight a war."⁷⁵ Both US Congress as well as the American public opinion supported Clinton's decision.⁷⁶ The consequence was that Russia felt side-lined and accused Washington of pursuing a policy of Serbian regime change rather than simply protecting Kosovo.⁷⁷ The administration continued to

⁷⁰ ISAACSON, Walter; „Madeleine's War“, in *Time*, 17 May 1999, p. 30. / ALBRIGHT, Madeleine; *Statement at a hearing in front of the Subcommittee of the Committee on Appropriations*, Washington D.C., 16 June 1998, available online at <http://www.gpo.gov/fdsys/pkg/CHRG-105shrg46099/html/CHRG-105shrg46099.htm>, accessed in May 2014.

⁷¹ UN Security Council, *Resolution 1160*, 31 March 1998, available online at http://www.un.org/en/sc/repertoire/2010-2011/Part%20I/2010-2011_Kosovo.pdf, accessed in May 2014.

⁷² DAALDER, Ivo H.; O'HANLON, Michael E.; *Winning Ugly: NATO's War to Save Kosovo*, Brookings Institution Press, Washington D.C., 2001, p. 85.

⁷³ CLINTON, William J.; *The President's Radio Address*, Washington D.C., 13 February 1999, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=56982&st=&st1=>, accessed in May 2014.

⁷⁴ CLINTON, William J.; *Address to the Nation on Airstrikes against Serbian Targets in the Federal Republic of Yugoslavia (Serbia and Montenegro)*, Washington D.C., 24 March 1999, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=57305&st=&st1=>, accessed in May 2014.

⁷⁵ *Ibid.*, accessed in May 2014.

⁷⁶ APPLE R.W.; „Conflict in the Balkans: A fresh Set of US Goals“, in *The New York Times*, 25 March 1999, available online at <http://www.nytimes.com/1999/03/25/world/conflict-in-the-balkans-news-analysis-a-fresh-set-of-us-goals.html>, accessed in May 2014.

⁷⁷ TALBOTT, Strobe; *The Russia Hand: A Memoir of Presidential Diplomacy*, Random House Publishers, New York, 2003, p.308.

publicly warn Russia not to support Serbia⁷⁸, while, at the same time, acknowledging the important role Russia had to play in achieving a settlement with Milosevic's regime⁷⁹. Thus, a new peace plan was drafted and jointly endorsed by Russia. Milosevic agreed to the plans on 3 June 1999.⁸⁰

Therefore, the examinations highlights that the US under Clinton was willing to accept the international order, which was however not reflected completely in America's willingness to execute a moderate foreign policy. The US carried out its role of hegemon during Clinton's presidency. The distribution of power in favour of the US gave expression to a principle of hegemony that was broadly tolerable to most concerned and affected states. The role of the US as 'benevolent hegemon' was mostly accepted by the international community. Still, how the US exerted its power by taking decisions to or not to intervene was criticised, as the cases of the interventions in Kosovo and Bosnia showed. The major critique to the US administration was that it used the retroactive approval of UNSC Resolutions to endorse US led military interventions. Moreover, the Kosovo conflict prompted some commentators to discern a "Clinton Doctrine" of humanitarian intervention in the president's affirmation that he might authorize a comparable response to future Kosovo-like situations if US military power could help abate other humanitarian catastrophes.⁸¹

Further, the analysis also explains that as 'tolerated hegemon' the US did not significantly alter or challenge the existing international order. Rather, the US reached out to Yeltsin's Russia to find a stable settlement with Milosevic's Serbia. Finally, after the end of the Cold War and the short-term disappearance of Russia as a major power from the international community, the Clinton administration predominantly accepted multilateral institutions and alliances as means to execute foreign policy and as a legitimizing tool. By this, Clinton accepted the 'natural order' after the end of the Cold War. The Kosovo conflict for example enhanced the international standing of NATO, which was now figuring out an expansive post-Cold War role. Yet, in the end, intra-NATO bickering and operational calamities actually reinforced the case for American hegemo-

⁷⁸ GORDON, Michael R.; „US Warns Russia”, in *The New York Times*, 10 April 1999, available online at <http://www.nytimes.com/1999/04/10/world/crisis-balkans-rift-us-warns-russia-don-t-provide-help-serbian-military.html>, accessed in May 2014.

⁷⁹ PERLEZ, Jane; “Clinton Seeking Moscow's Help in Kosovo Crisis”; in *The New York Times*; 7 April 1999, available online at <http://www.nytimes.com/1999/04/07/world/crisis-balkans-diplomacy-clinton-seeking-moscow-s-help-kosovo-crisis.html>, accessed May 2014.

⁸⁰ BBC News, *Kosovo peace plan agreed*; 4 June 1999, available online at <http://news.bbc.co.uk/2/hi/europe/359803.stm>, accessed in May 2014. / CLINTON, William J.; *Address to the Nation on the Military Technical Agreement on Kosovo*; Washington D.C., 10 June 1999, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=57707&st=&st1=>, accessed in May 2014.

⁸¹ See, for example, IKENBERRY, G. John; “The Costs of Victory: American Power, Post-Cold War Order, and the Use of Force in Kosovo”, in SCHNABEL, Albrecht; THAKUR, Ramesh; *Kosovo and the Challenge of Humanitarian Intervention*, United Nations University, Tokyo, 2000, available online at http://archive.unu.edu/p&g/kosovo_full.htm, accessed in May 2014.

ny. The administration noted that even by acting beyond international law and its institutions, a significant success in ending human losses could be achieved. The Kosovo conflict can therefore be regarded as a product of second term US hegemonic confidence. Thus, international society mostly sustained America's new hegemonic role, with the exception of the criticism that emerged when international society noted that for the first time after the end of the Cold War the US was the hegemon who was also prepared to act outside international law, which was to echo and intensify in the years following Clinton's departure from the White House.

Thus, this Chapter concludes that the foreign policy of the Clinton administration exhibited a partial commitment to the element of 'International Order'. This therefore indicates that the Clinton administration's foreign policy partially met the framework's element of 'International Order', because the Clinton administration rather often had US armed forces intervene abroad. However, these interventions did not significantly alter the international power architecture of the time, because at the end of the Clinton presidency, the US was still the unchallenged global superpower.

3.4 International Consensus

For Clinton's foreign policy team, multilateralism was not an abstract ideal but a value to be implemented on a daily basis as Chapter 3.2 demonstrated. The conduct of US foreign policy should be based on an ethical basis, one that rested not on American power but on the international legitimacy of multilateral institutions, such as the UN.⁸² The Clinton administration's overall foreign policy strategy could be characterised as "pragmatic neo-Wilsonianism": for America, in fact, the choice was either isolation or a new doctrine of internationalism, not the crusading idealism of Wilson, but a practical application of his principles of democracy.⁸³ US Secretary of State Albright further argued that the UN would be elevated to the centre of the administration's new internationalism: the end of the Cold War marked a new beginning for the UN,⁸⁴ because it meant that it once again seemed possible for international actions to be formalised through that body.⁸⁵

In that context, the US support of UNSC Resolutions and the coincidence of voting patterns with US positions in the UN General Assembly have to be examined: with

⁸² In HYLAND, William G.; *op.cit.*, 1999, loc. 336.

⁸³ LAKE, Anthony; *From Containment to Enlargement - Remarks at Johns Hopkins University*, Washington, D.C., 21 September 1993, available online at <https://www.mtholyoke.edu/acad/intrel/lakedoc.html>, accessed in May 2014.

⁸⁴ ALBRIGHT, Madeleine; *Madam Secretary - A Memoir*, Harper Perennial, New York, 2013, p. 145.

⁸⁵ *Ibid.*, p. 168.

regard to the UNSC, from 1992-2000, the Council adopted 609 Resolutions.⁸⁶ Only seven Resolutions came to a vote during this period and only three times the US casted a veto on the Resolutions.⁸⁷ In the UN General Assembly, a significant increase in favour of US voting positions can be observed in the years of Clinton's presidency. The average voting coincidence of all UN General Assembly members with US positions had an average of 43 per cent from 1992-2000. This was 32 per cent in 1992 and 43 percent in 2000, with a peak of voting coincidence in 1995 of 51.5 per cent,⁸⁸ indicating a clear US commitment for international consensus seeking.

Another aspect to take into consideration is the debt owed by the US to the UN budget. The US was and is the largest debtor to the UN's budget. In Clinton's first two years in office, US arrears to the UN regular budget rose from late Bush levels. Expensive peacekeeping operations, proposed by the US in the UNSC, further burdened the UN with bills that were hard to collect and that the US was itself slow to pay. Soon after taking office, the Clinton administration defined a new US policy towards the UN and its expanding role in conflicts around the world, described in a comprehensive "Presidential Decision Directive"⁸⁹ on peacekeeping. It included financing the rapidly-increasing peacekeeping budget, intending to create a policy environment for more reliance on the UN and to value the Pentagon budget for peacekeeping finance. This new trust on the UN was referred to within the administration as "aggressive multilateralism".⁹⁰ Facing strong critics in the US Congress however, the Directive ended up with a narrow approach to peacekeeping, which called for restrictions on the use of peacekeeping in international crises. Most strikingly, it set a goal of reducing US peacekeeping assessments.⁹¹ The strong US policy debate around multilateral peace efforts showed that financial support for the UN was hostage to larger political and geostrategic debates about the role the US should play in the world. The debates in the end signalled a gathering crisis for the UN within the US policy-making establishment.⁹² As Figures 3 and 4 show, the new Directive was seriously implemented and the number of US personnel to

⁸⁶ UN Security Council; *Statistics in 2013 – February 2014 Monthly Forecast*, available online at http://www.securitycouncilreport.org/monthly-forecast/2014-02/security_council_statistics_in_2013.php?print=true, accessed in March 2014.

⁸⁷ UN Security Council; *Veto List*, available online at http://www.un.org/depts/dhl/resguide/scact_veto_en.shtml, accessed in March 2014.

⁸⁸ Author's compilation of data, based on the US Department of State's Yearly Report *Voting Practices in the United Nations*, available online at <https://www.princeton.edu/~sbwhite/un/VotePrac.html>, accessed March 2014.

⁸⁹ *Presidential Decision Directive No. 25 – US Policy on Reforming Multilateral Peace Operations*, 3 May 1994, available online at <http://www.clintonlibrary.gov/previous/Documents/2010%20FOIA/Presidential%20Directives/PDD-25.pdf>, accessed in May 2014.

⁹⁰ Global Policy Forum, *Background and History of the UN Budget*, available online at <http://www.globalpolicy.org/component/content/article/224/27260.html>, accessed in May 2014.

⁹¹ *Ibid.*, accessed in May 2014.

⁹² *Ibid.*, accessed in May 2014.

UN PKOs drastically reduced over Clinton’s two terms, while the arrears the US owed to the UN peacekeeping budget constantly increased.

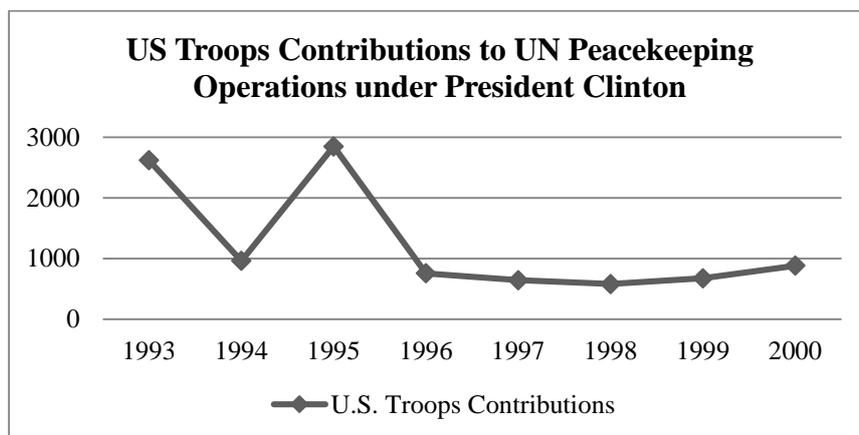


Figure 3 - US Troops Contributions to UN Peacekeeping Operations under President Clinton⁹³

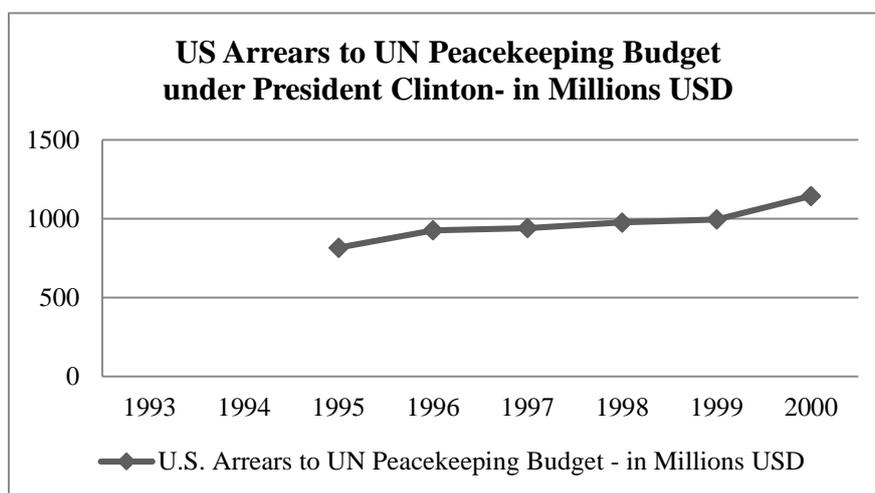


Figure 4 - US Arrears to UN Peacekeeping Budget under President Clinton- in millions USD⁹⁴

Hence, the Clinton administration was both conscious about the importance of multilateralism and willing to accept the UN as one key player to gain consensus for various international crises. Still, the administration’s commitment to multilateralism was different in the two terms. In the first term, multilateralism was described as “one of the many tools at our disposal”⁹⁵, while the second term witnessed a retrogression from cooperative multilateralism, in a climate set by the Republican Congress and by undisputed American hegemony, for increased unilateral decision-making.

⁹³ Own Compilation with data from the UN, available online at <http://www.un.org/en/peacekeeping/operations/>, accessed in May 2014.

⁹⁴ *Ibid.*, accessed in May 2014.

⁹⁵ CHRISTOPHER, Warren; *In the Stream of History – Shaping Foreign Policy for a new Era*, Stanford University Press, Redwood, 1998, p.89.

Related to the legitimate use of force and USIL, the following military interventions are examined: Somalia, Haiti, Bosnia, Iraq and Kosovo.

In Somalia, soon after Clinton took office, US military troops were already deployed there for UN peacekeeping operations, they were deployed in December 1992 under UNOSOM I still during the presidency of George H. W. Bush. This mission was expanded and called UNOSOM II, under UNSC Resolution 814 of 26 March 1993.⁹⁶ There was both international and domestic support for the humanitarian mission, indicating a new level of acceptability for intervention based upon humanitarian concerns.⁹⁷ As the mission's performance suffered and support declined, the intervening parties decided to abandon the mission, even if it risked delegitimizing the idea of UN multi-dimensional peacekeeping.⁹⁸

In Haiti, the Clinton administration built from the beginning a diplomatic foundation for the operation, working to achieve a UNSC Resolution authorizing the removal of the Haitian military regime. By the end of July 1994, the UNSC passed Resolution 940⁹⁹, the first UN Resolution authorizing the use of force to re-establish democracy for a UN member state. It provided for the return of former President of Haiti, Bertrand Aristide, and a six-month mandate for the UN Mission in Haiti (UNMIH).¹⁰⁰ The US administration used multilateralism to achieve political support from the US domestic audience that did not favour humanitarian intervention in general but was willing to support it if it was conducted with international partners.¹⁰¹ Intervening under UN command further conveyed the local perception that an international consensus had formed around the morality of the intervention, not that the intervention was the decision of one state alone. The Haitian case also showed that the US administration had worked both to first achieve a national solution while threatening a US military intervention and diplomatically by trying to find an international consensus within the UNSC to receive a multilateral blessing of an otherwise unilateral US intervention.¹⁰²

Bosnia illustrated that concerted US leadership linking force and diplomacy in mutually supportive ways was the winning strategy to follow for future foreign war-like

⁹⁶ UNITAF/UNOSOM was a multinational force, organized and led by the US, which, in December 1992, had been authorized by the UNSC to use "all necessary means" to establish a secure environment for humanitarian relief operations in Somalia.

⁹⁷ CLINTON, William J.; *Remarks on Welcoming Military Personnel Returning from Somalia*, Washington D.C., 5 May 1993, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=46516&st=&st1>, accessed in May 2014.

⁹⁸ AOI, Chiyuki; *op.cit.*, p. 62.

⁹⁹ UN Security Council; *Resolution 940*, 31 July 1994, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/940\(1994\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/940(1994)), accessed in May 2014.

¹⁰⁰ *Presidential Decision Directive - PDD/NSC 56 - Managing Complex Contingency Operations*, May 1997, available online at <http://www.fas.org/irp/offdocs/pdd56.htm>, accessed in May 2014.

¹⁰¹ KREPS, Sarah E.; „The 1994 Haiti Intervention: A Unilateral Operation in Multilateral Clothes”, in *The Journal of Strategic Studies*, Vol. 30, No. 3, June 2007, pp. 470-472.

¹⁰² *Ibid.*, p. 472.

entanglements. It also exemplified that international consensus consistent with US preferences was not given even after the end of the Cold War and continued to require encouragement, persuasion and even imposition, leading the Clinton administration to return to a more traditional model of US style multilateral intervention, centred upon US interests. The US diplomatic efforts in Bosnia can be split in two phases: until the massacre of Srebrenica occurred, the Clinton administration was hesitant and unwilling to state America's commitment to multilateral peace efforts. Clinton had ruled out unilateral action. This view was also supported by a public opinion poll indicating that there was increasing support for multilateral action by the US in Bosnia, but there was no support for unilateral action.¹⁰³ This meant, consistent with the assertive multilateralism policy, that multilateral interests would influence whatever option would eventually be perused.¹⁰⁴ After the atrocities in Srebrenica had occurred, the US Pentagon took the lead in pushing for the vigorous air campaign that was finally agreed to at the London Conference in July 1995.¹⁰⁵ What forced the US administration however to concede, was the obvious sense that Bosnia was "the cancer eating away at US foreign policy", as Anthony Lake, Clinton's National Security Advisor stated.¹⁰⁶ In addition, the credibility of both NATO and the US was being undermined perceptibly by what was happening in Bosnia, and by their failure to terminate it. With presidential elections approaching, Clinton made it clear to the allies that he was committed to this course of action, including the military track, even if the US was forced to implement it on its own.¹⁰⁷ For the first time, in the eyes of America's allies, the US administration had demonstrated leadership on the Bosnian issue.¹⁰⁸ The European allies' agreement on the future course of action laid the foundation for US Assistant Secretary of State for European and Canadian Affairs, Richard Holbrooke's subsequent efforts for a peace agreement. By the end of 1995, US leadership in Bosnia had changed the country into a place of relative peace, enforced by US and NATO forces.

With regard to Iraq, similarly like George W. Bush had inherited his initial Iraq policy from Clinton, Clinton inherited his from Bush's father. Following Iraq's 1990 invasion of Kuwait, the UNSC had imposed sanctions on Iraq in an attempt to force a

¹⁰³ MOORE, David W.; "Americans Divided on US Troops in Bosnia", in *Gallup News Service*, 24 December 1997, available online at <http://www.gallup.com/poll/4285/americans-divided-us-troops-bosnia.aspx>, accessed in May 2014.

¹⁰⁴ DREW, Elizabeth; *On the Edge: The Clinton Presidency*, Touchstone, New York, 1995, p. 150.

¹⁰⁵ DAALDER, Ivo H.; „Decision to Intervene: How the War in Bosnia Ended”, in *The Foreign Service Journal*, December 1998, available online at <http://www.brookings.edu/research/articles/1998/12/balkans-daalder>, accessed in May 2014.

¹⁰⁶ In WOODWARD, Bob; *The Choice: How Bill Clinton won*, Simon & Schuster, New York, 1996, p. 253.

¹⁰⁷ DAALDER, Ivo H.; *op.cit.*, December 1998, accessed in May 2014.

¹⁰⁸ DAALDER, Ivo H.; *op.cit.*, 2000, p. 165.

withdrawal. Even after the Iraqi President Saddam Hussein withdrew, however, the US, having a veto on the UNSC for a long time refused to allow the sanctions to be lifted. Furthermore, the US had UN inspectors visit Iraqi facilities to check if Iraq had or was developing any sort of WMD, based on UNSC Resolution 687 of 1991, which had installed a UN Special Commission (UNSCOM). UNSCOM was an UN inspection regime to ensure Iraq's compliance with policies concerning Iraqi production and use of WMD after the First Gulf War.¹⁰⁹ With regime change in mind, however, the US repeatedly bombed various facilities in Iraq in the years 1993-1998, arguing that strikes had to be considered as inherent right for self-defence, as stipulated in Article 51 of the UN Charter, as well as in implementing UNSC Resolutions 678 and 687.¹¹⁰

Madeleine Albright articulated, then US Ambassador at the UN that the US will act „multilaterally when we can and unilaterally as we must, because we recognize this area as vital to US national interests and therefore accept no external constraints.”¹¹¹ Clinton further declared that if Iraq failed the test of conformity to UNSC Resolutions, “everyone would understand that then the US and hopefully all of our allies would have the unilateral right to respond at a time, place and manner of our own choosing.”¹¹² In the international community, however, the UNSC unanimously rejected the US demands that it authorized the use of force in the event of non-compliance. Resolution 1154 warned of ‘severest consequences’, but with no other specification. The international community declared that it was the UNSC, no one else; in accordance with the UN Charter, which had to solve the Iraqi problem.¹¹³

In the case of Kosovo, the actual use of armed force by NATO against the former Republic of Yugoslavia in 1999 was significant because, as Wheeler illustrated, it was the “first time that a group of states, acting without explicit Security Council authority, defended a breach of the sovereignty rule primarily on humanitarian grounds.”¹¹⁴ During the escalating situation in Kosovo, NATO faced an insurmountable dilemma. On the one hand, it could not act because it was absolutely clear during the

¹⁰⁹ UN Special Commission, *Basic Facts*, available online at <http://www.un.org/Depts/unscom/General/basicfacts.html>, accessed in February 2018.

¹¹⁰ CLINTON, William J.; *Statement on Signing the Iraq Liberation Act of 1998*, Washington D.C., 31 October 1998, available online at <http://www.presidency.ucsb.edu/ws/?pid=55205>, accessed in February 2018.

¹¹¹ In PATRICK, Stewart; FORMAN, Shepard; *op.cit.*, p.13.

¹¹² CLINTON, William J.; *Remarks on United Nations Secretary-General Kofi Annan's Mission to Iraq and an Exchange With Reporters*, Washington D.C., 23 February 1998, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=55512&st=&st1>, accessed in May 2014.

¹¹³ UN Security Council, *Resolution 1154*, 2 March 1998, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1154\(1998\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1154(1998)), accessed in May 2014. / SOTO, Fernando Berocal; „UN squabbling over Iraq move“, *The Independent*, 3 March 1998, available online at <http://www.independent.ie/world-news/un-squabbling-over-iraq-move-26192057.html>, accessed in May 2014.

¹¹⁴ WHEELER, Nicholas J.; “Humanitarian Intervention after Kosovo: Emergent Norm, Moral Duty or the Coming Anarchy?”, in *International Affairs*, Volume 77, Issue 1, January 2001, p.113.

second half of 1998 that Russia and China would not approve of the use of armed force through a UNSC Resolution. On the other hand, if NATO was to take action, then it was acting explicitly outside the UN Charter. The UNSC confirmed the threat to international peace and security, but left open the question of what was to be done in the event of non-compliance with its Kosovo Resolution¹¹⁵, on which it was purposefully silent, given Russian and Chinese uncertainties. As Kagan demonstrated however, the use of force in Kosovo did have unanimous support within NATO, even if that consensus was hard to support once the military operation had started.¹¹⁶ The astonishing fact highlighted by Tom J. Farer is that many saw consensus within NATO, a multilateral and democratic coalition, as an essential justification that its actions would not infringe the purposes of the UN Charter.¹¹⁷ Thus, the Kosovo situation had the US administration face a decisive choice: to push for action without UNSC authorization and therefore explicitly acting outside the UN Charter or accepting the unanimous consensus within NATO. Finally, the US calculation was that it would be politically even more difficult to engage in an operation in the face of a failed UN Resolution than in the absence of one altogether.¹¹⁸

The Kosovo situation demonstrated to the US administration essentially two key lessons for any future ‘humanitarian’ intervention. First that the Russian veto in the Kosovo case was more serious than the Russian obstinacy to cooperate for a peaceful resolution of the Bosnian conflict. Second, that consensus within NATO had a greater validity than the lack of consensus within the UNSC, given NATO’s democratic credentials. As demonstrated by Roberts, it seemed that a consensus amongst democratic states somehow trumped a lack of consensus within an inherently undemocratic UNSC.¹¹⁹ What the Kosovo case revealed is that for the use of force to be considered legitimate according to the UN Charter, Russia and China had to be regarded as the new custodians of the legitimacy of international force.¹²⁰

As a result, the analysis indicates that the Clinton administration was committed to multilateralism, consensual decision-making and to the UN. Clinton’s use of force policy abroad can be summarised as “talk first, shoot later”. The Clinton administration

¹¹⁵ UN Security Council; *Resolution 1199*, 23 September 1998, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1199\(1998\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1199(1998)), accessed in June 2014.

¹¹⁶ KAGAN, Robert; *op.cit.*, 2004, p.48.

¹¹⁷ FARER, Tom J.; *op.cit.*, p. 76.

¹¹⁸ ROBERTS, Adam; *op.cit.*, 1999, p. 104.

¹¹⁹ *Ibid.*, p. 107. / *International Herald Tribune*, „Teetering Balkans: NATO Bombs Destabilizing Region“, 15 April 1999.

¹²⁰ SLOCOMBE, Walter B.; „Force, Pre-emption and Legitimacy”, in *Survival – Global Politics and Strategy*, Volume 45, No. 1, 2003, p. 122.

sought consensus as a legitimizing tool for the use of military force abroad, as it tried to achieve consensus variously where none otherwise would have been possible. Sometimes in a very active way (as in the cases of Haiti, Somalia and Kosovo), sometimes in a more passive way (as in the cases of Iraq and Bosnia). What became clear, however, was that after the fall of the Soviet Union, the UNSC was considered to be the new “concert of nations”. Hence, the US administration predicated ‘assertive multilateralism’ on the assumption that the UNSC would reach consensus on the need for and factors of interventions in general. This was welcomed by international society. However, the US was also confronted with an international society that was willing to challenge the power and legitimacy of the US. This became visible in the cases when the US was confronted with either other states proving unwilling to provide leadership for a common solution, or wanting solutions, which the US did not necessarily favour or perceive to be in its own interest.

By the end of Clinton’s presidency, international consensus was still central for foreign interventions and played a key role in legitimizing the use of force. Still, the US did not anymore favour consensus to be found only within the UN, but also, and even more importantly, amongst its major allies, i.e. NATO. Hence, Clinton’s conduct of alliance politics indicated both the degree of his administration’s commitment to multilateralism, and his will to adapt Cold War alliance patterns to the new realities of the post-Soviet era. Therefore, both the search and the expression of international consensus to support US foreign policy were mostly reflected in the administration’s foreign policy. This was also mostly supported by international society of the time, because it only rarely criticised the US for lacking the will to seek international consensus, as in the case of the Kosovo conflict, where consensus was established within NATO rather than within the UNSC

Consequently the examination indicates that the framework’s element of ‘International Consensus’ was mostly reflected in the Clinton administration’s foreign policy, because it actively considered consensus in its foreign policy actions. Therefore, this Chapter concludes that the Clinton administration’s foreign policy relates mostly with the contents and definition of ‘International Consensus’ of the framework.

3.5 International Society

After the dissolution of the Soviet Union, the US under Clinton was committed to expand international society by institutionalising it and by contributing to the enhance-

ment of peace. This became evident in five cases especially: first, the support for the expansion and institutionalisation of the EU. Second, the enlargement of NATO. Third, the formalisation of free trade with the creation of the WTO and various other free trade agreements. Fourth, American leadership in the search for a peace in the Middle-East. Finally, America's engagement for a stable peace in Northern Ireland.

In the first example, since the end of World War II in Europe, the US had constantly supported the closer economic, political and military cooperation between its major allies in Europe. Both during the presidency of George H. Bush and William J. Clinton, the policy toward EU enlargement had been one area of major continuity. One of Clinton's core values was to promote peace and stability on the European continent through the integration of the new Central and Eastern European democracies into a wider Euro-Atlantic community, in which the US would remain engaged. Consequently, during Clinton's presidency, the relations between the EU and the US significantly intensified. In the period of 1993-2000, Clinton variously declared that the US supported the closer integration of the EU.¹²¹ One of the most important landmarks of the US – EU cooperation was the New Transatlantic Agenda (NTA) signed in December 1993.¹²² Clinton also supported the accession of Russia to the Group of Seven summits, thereby allowing Russia to participate more fully beginning in the 1998 Birmingham summit, which marked the creation of the Group of Eight.¹²³

Regarding the second example, a revitalized NATO was an important tool for the maintenance of US engagement and leadership in Europe. NATO's expansion to the new democracies, due to the delays in their efforts to join the EU, forced the Clinton administration to engage actively in the negotiations that led to the expansion. As early as 1994, the year of the creation of NATO's 'Partnership for Peace', Clinton expressed his support for enlarging NATO, designed to strengthen relations with the former Warsaw Pact states.¹²⁴ Subsequently, at the NATO Madrid Summit in 1997 and at the one in Washington D.C. in 1999 former Warsaw Pact states joined the alliance.¹²⁵

Thirdly, in the economic and financial sector, during the first term of Clinton's presidency, NAFTA was approved, as well as the negotiations for a Free Trade Area of

¹²¹ CLINTON, William J.; *The President's News Conference with European Union Leaders*, Brussels, 11 January 1994, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=49765&st=European+Union&st1=>, accessed in June 2014.

¹²² STEFFENSON, Rebecca; *Managing EU-US Relations: Actors, Institutions and the New Transatlantic Agenda*, Manchester University Press, Manchester, 2005, pp. 35-42.

¹²³ CLINTON, William J.; *The President's News Conference with President Boris Yeltsin of Russia*, Vancouver, 4 April 1993, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=46404&st=Russia&st1=>, accessed in June 2014.

¹²⁴ CLINTON, William J.; *The President's News Conference*, Brussels, 11 January 1994, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=49754&st=partnership+for+peace&st1=>, accessed in June 2014.

¹²⁵ POOLE, Peter A.; *Europe Unites: The EU's Eastern Enlargement*, Praeger, London, 2003, p. 182.

the Americas (FTAA) were started. The victory in achieving NAFTA contributed to Clinton's emerging reputation as the 'globalization President'.¹²⁶ The Clinton administration's strategy was to lock the US into the centre of an emerging and overlapping set of free trade networks. Shortly after, the US Senate approved GATT, paving the way for the creation of the WTO in 1995.¹²⁷ The US administration further pushed for the accession of China to the WTO and ended the trade embargo against Vietnam.¹²⁸ In the financial field, the administration had to confront various currency crises and decided to intervene in the rescue of the respective currencies in 1995 with the Mexican peso, in 1997 with the Thai Bath and in 1998 for the Japanese Yen.¹²⁹ The foreign currency interventions were both taken directly by the US and through the IMF.¹³⁰

In the fourth case, the US administration also got involved in the implementation of a Peace Plan between Israelis and Palestinians by implementing the 'Oslo Accords', which were signed in Washington D.C. just nine months after Bill Clinton's inauguration.¹³¹ After the assassination of Israeli Prime Minister Yitzhak Rabin in 1995, however, the peace process became stalemated until the end of Clinton's presidency. Advancement in the Middle Eastern peace talks was modest and slower than ideal without a significant and lasting result. Still, in the view of scholars like Walt, the Clinton administration can be rewarded with the fact of continuous support, engagement and also leadership in keeping the process going.¹³²

Finally, in the case of the peace process in Northern Ireland, Clinton announced that "all Americans can be proud that our leadership helped to bring peace in Northern Ireland,"¹³³ and scholars such as William Hazleton conclude that "the 1998 Good Friday Agreement stands as one of the Clinton administration's major foreign policy successes."¹³⁴ As illustrated by various scholars like Kurt Jacobsen and Joseph O'Grady, this success was achieved mainly by the fact that Clinton was attracted to Ireland by the

¹²⁶ ECKES Alfred E.; ZEILER, Thomas W.; *Globalization and the American Century*, Cambridge University Press, Cambridge, 2003, pp. 238-240.

¹²⁷ *Ibid.*, p. 240.

¹²⁸ *Ibid.*, pp. 238-240.

¹²⁹ RAZIN, Assaf; ROSEFIELDE, Steven; "Currency and Financial Crises of the 1990s and 2000s", in *CESifo Economic Studies*, Oxford University Press, Oxford, Vol. 57(3), September 2011. pp. 499-530.

¹³⁰ In RUBIN Robert E.; WEISBERG, Jacob; *In an Uncertain World: Tough Choices from Wall Street to Washington*, Random House, New York, 2003, p. 34.

¹³¹ CARMON, Yigal; „The Story behind the Handshake“, in PERES, Shimon; *Battling for Peace: A Memoir*, New York, Random House, 1995, pp.281-306.

¹³² WALT, Stephen M.; „Two Cheers for Clinton's Foreign Policy“, in *Foreign Affairs*, Vol. 79, No. 2, March-April 2000, p.71.

¹³³ CLINTON, William J.; *Address before a Joint Session of the Congress on the State of the Union*, Washington D.C., 19 January 1999, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=57577&st=&st1=>, accessed in June 2014.

¹³⁴ HAZLETON, William; „Encouragement from the Sidelines: Clinton's Role in the Good Friday Agreement“, in *Irish Studies in International Affairs*, Vol. 11, 2000, p.103.

relatively risk-free opportunity to secure a foreign policy breakthrough.¹³⁵ Clinton's personal involvement in the negotiations of a peace agreement was due to two factors: first, the changing post-Cold War environment had significantly altered the US security requirements and had thereby also redefined the special relationship with the UK. Second, while the US was confronted to a geopolitical situation without a global threat and Sinn Fein was allowing negotiable alternatives, the Clinton administration had considerable advantages in diplomatic flexibility and conflict management opportunities. These factors significantly contributed to the fact that when Clinton personally stepped in and spent various nights on the phone trying to reach an agreement¹³⁶, the US tried to build bridges between opponents, actually not that its own interests would triumph but that they could be carefully negotiated. The US had therefore used its skilfulness in 'soft power', as characterised by Nye¹³⁷, to pull rather than push the parties to agree, as Dumbrell explained.¹³⁸

The Clinton administration's shaping of international society, however, was not only well perceived or taken kindly by the rest of the world. The president's term was shadowed by various terrorist attacks directed at the US. The most significant attacks were those at the CIA headquarters in Virginia in January 1993, the World Trade Centre bombings in February 1993, the Oklahoma City bombing in April 1995, the US Embassy bombing in Kenya in August 1998 and the attack to the USS Cole in October 2000.¹³⁹ In addition, various anti-globalisation protests erupted, such as the 'battle of Seattle'.¹⁴⁰ These events can be regarded as rising challenges towards America's international legitimacy.

The Clinton administration's will to shape and define the international system rested on the premise that the US set the criteria and the framework of the system itself. The US was still hesitant to subject itself to common international rules and obligations, which governed the system. Hence, under the Clinton presidency, various important multilateral treaties were left on the shelf for US ratification. Clinton signed the Chemical Weapons Convention in 1993, but extensive limitations were set on how it could be applied in the US, essentially emptying its provisions. Clinton initiated negotiations for

¹³⁵ See for example: JACOBSEN, Kurt; "After the Docklands: the Irish peace process and the American connection", in *Brown Journal of World Affairs*, Volume 3, 1999, pp. 325-39. / O'GRADY, Joseph; "An Irish policy born in the USA: Clinton's break with the past", in *Foreign Affairs*, No. 75 (3), 1996, pp. 2-7.

¹³⁶ As reported in the accounts of *The Independent* on 11 April 1998 and *The New York Times* on 12 April 1998.

¹³⁷ NYE, Joseph S.; *Bound to lead: the changing nature of American power*, New York, 1990, pp. 31-32.

¹³⁸ DUMBRELL, John; *op.cit.*, 2009, p.91.

¹³⁹ MAYNARD, Christopher; *op.cit.*, p.130.

¹⁴⁰ SMITH, Jackie; "Globalizing Resistance: The Battle of Seattle and the future of Social Movements", in SMITH, Jackie; JOHNSTON, Hank (eds.); *Globalization and Resistance: Transnational Dimensions of Social Movement*, Rowman and Littlefield Publishers, New York, 2002, p. 207.

the START treaties' successor documents and showed the willingness to sign momentous international treaties like the Kyoto Protocol and the Rome Statute on the ICC. Subsequently, however, the latter instruments were not ratified by the US, essentially for domestic political reasons.¹⁴¹ Other treaties also experienced an important backlash for the president: the US is the only NATO member besides Turkey not to have ratified the Ottawa Convention against Landmines.¹⁴² The US Senate also rejected the ratification of the CTBT in 1999, which had been signed in 1996 by Clinton. Even the Convention on the Rights of the Child, which additionally only lacks ratification by Somalia, was never ratified by the US even though Clinton had signed it in 1995. Finally, from a national perspective, US Congress passed an internationally debated act, the so called Helms-Burton Act, strengthening the economic sanctions against Cuba.¹⁴³

Although Clinton was willing to sign international treaties, the US Congress, dominated by the Republicans, rejected their ratification. International reaction to the Senate's rejection of the CTBT was uniformly negative¹⁴⁴, and the denial was a political stumbling block for Clinton, who had lobbied actively for its approval. Despite the rejection of the treaty, Clinton promised that the US would continue to maintain a policy of not testing nuclear weapons, which had been in place since 1992.¹⁴⁵ Still, Clinton tried to normalise diplomatic relations with various countries. In 1995, the US re-established formal diplomatic relations with the Socialist Republic of Vietnam. In 1999, after a break of 15 years, Chinese Premier Zhu Rongji paid an official visit to the US, leading to the landmark signature of a trade agreement between the two countries.¹⁴⁶

The analysis suggests that the US under Clinton accepted international society's composition at the time. Further, the US also influenced and shaped international society with the means of its foreign policy, as it set the criteria that defined rightful membership in international society while establishing that the US was the essential rightful member of it. As a result, the US being the major player, it became the guardian of the system. America's role in the spread of free trade and economic and political union all

¹⁴¹ ECKES Alfred E.; ZEILER, Thomas W.; *op.cit.*, pp. 238-240.

¹⁴² CARR, Dale A.; "An Evaluation of the US Policy on Anti-Personnel Landmines", in *Strategy Research Projects*, US Army War College, Carlisle Barracks, 1999, p. 5.

¹⁴³ SCHARFEN, J.R.; "The Helms-Burton Act: A Strategic Critique", in *Strategy Research Project*, US Army War College, Carlisle Barracks, 1998, available online at <http://www.dtic.mil/dtic/tr/fulltext/u2/a345000.pdf>, accessed in June 2014, pp.8-17.

¹⁴⁴ BENNIS, Phyllis; "The US undermines international law", in *Le Monde Diplomatique*, December 1999, available online at <http://mondediplo.com/1999/12/02bennis>, accessed in June 2014. / HUTTON, Will; "Will it take this to bring America to its senses?", in *The Observer*, 17 October 1999, available online at <http://www.theguardian.com/science/1999/oct/17/willhutton>, accessed in June 2014.

¹⁴⁵ "US Senate rejects test ban treaty", *BBC News*, 14 October 1999, available online at <http://news.bbc.co.uk/2/hi/americas/474220.stm>, accessed in June 2014.

¹⁴⁶ "China drops trade barriers", in *BBC News*, 24 November 1999, available online at http://news.bbc.co.uk/2/hi/special_report/1999/11/99/battle_for_free_trade/535162.stm, accessed in June 2014.

had one thing in common: the US under Clinton was locking itself into various economic regions and Clinton was likely to be remembered as “the true architect of the post-Cold War world.”¹⁴⁷ This role however was also criticised: essentially, the US was imposing rules and principles on the system, while at the same time it did not always submit itself to them in totality. Even though Clinton tried to sign various multilateral treaties binding the US into the international system legally, his endeavours were often inhibited later, either because of Congress or due to his successors.

So, this illustrates that the framework’s element of ‘International Society’ was mostly reflected in the Clinton administration’s foreign policy, since the US both belonged rightfully to the international system, even though its membership was repeatedly challenged internationally. This suggests that the administration’s foreign policy matches mostly with the contents and the definition of ‘International Society’ of the framework.

3.6 Conclusion

The thesis’ framework reveals that the Clinton administration’s foreign policy partially and mostly reflected all of its elements. Thereby the framework explains that during 1993-2001, US foreign policy was characterised stronger by the element of ‘International Society’ and achieving international consensus. US foreign policy was less characterised by contributing to a stable international order or respecting the commonly shared international norms and values of the time. Thus, by comparing the results of the application of the thesis’ framework, the thesis shows that US foreign policy under Clinton was characterised by the similar elements as the one of George H. W. Bush in terms of the importance of international consensus and influencing international society of the time. The differences are that under Clinton’s predecessor, US foreign policy was influenced more by international values and norms and by keeping a stable international order characterised by a moderate US foreign policy. Thus, as stated in Chapter 2.6, the thesis’ framework based on the FRC approach is an appropriate instrument to analyse US foreign policy in terms of legitimacy because it shows that even though not all of the framework’s elements were strongly reflected in the same manner in Clinton’s foreign policy, Clinton’s foreign policy can still be considered partially legitimate. Moreover, international society only contested US foreign policy in a few cases, (i.e. the Kosovo intervention or the non-intervention in Rwanda); another sign that the interna-

¹⁴⁷ WALKER, Martin; *Clinton: The President they Deserve*, Fourth Estate, London, 1996, p.286.

tional legitimacy of US foreign policy was not strongly at stake during the terms of Clinton's presidency, with the exception of a growing trend of unilateralism in Clinton's foreign policy.

In addition, the FRC approach demonstrated that the reproduction of the various USIL elements followed a shifting path in the foreign policy of the 42nd US President. The elements of 'International Values and Norms', 'International Order' and 'International Consensus' had a quite strong expression at the beginning of Clinton's terms. They experienced however a gradual degradation during the last years of Clinton's presidency mostly because of the various issues related to the crises in Rwanda, Kosovo and the actions taken against Iraq, which were highlighted by Chapters 3.2., 3.3. and 3.4. The element of 'International Society' however experienced a stable reflection. Overall, therefore, the consideration of USIL in Clinton's foreign policy can be considered as having been rather uneven.

Two particular issues emerge with respect to USIL in the foreign policy of the Clinton administration: First, in scholarly views, the administration recognised, as highlighted by Hirsh that "the Security Council remains the sole repository and source for international legitimacy."¹⁴⁸ The US tried to achieve consensus within the UN to receive the stamp of legitimacy that only the UN could provide, as explained by David Malone.¹⁴⁹ Yet, the Clinton administration also favoured a new sort of international consensus, which could also be found outside the UNSC, in NATO, as the crises in Bosnia and Kosovo illustrated.

Second, while the Clinton administration tried hard to subdue the US to international rules and principles, this also meant that the US was suddenly confronted with the dilemma of being a legitimate superpower and exerting its power in order to achieve its national interests. Hence, international law is important for powerful states as a source of legitimacy, but to provide legitimacy, it needs to distance itself from power and has to resist its mere translation into law, as Nico Krisch explained.¹⁵⁰ This was going to resonate in the succeeding US administrations.

In the years of Clinton's presidency, US foreign policy was characterised less by 'International Values and Norms', and 'International Order' and more by 'International

¹⁴⁸ HIRSH, Michael; *op.cit.*, p.203.

¹⁴⁹ MALONE, David; "US-UN Relations in the UN Security Council in the Post-Cold War Era", in FOOT, Rosemary; MACFARLANE, Neil S.; MASTANDUNO, Michael (eds.); *US Hegemony and International Organizations: The United States and Multilateral Institutions*, Oxford Scholarship Online, Oxford, 2003, p. 85.

¹⁵⁰ KRISCH, Nico; „International Law in Times of Hegemony: Unequal Power and the Shaping of the International Legal Order”, in *The European Journal of International Law*, Vol. 16, No. 3, 2005, p. 378.

Consensus' and by 'International Society'. Despite the various debates on the legality of various US military interventions under Clinton, their common moral purpose was not questioned in the end, leading to an important precedent that legitimizes the use of force, even without UNSC authorisation or without other legal bases, such as international humanitarian law or human rights law. Under Clinton, the US neither radically altered the international system nor fundamentally challenged the existing balance of power. The distribution of power in favour of the US conveyed a principle of hegemony that was broadly tolerable to most other states. Still, even though the Kosovo intervention was successful, it raised doubts about the ability of the US administration to develop a responsible policy of measured internationalism in undisputed global US hegemony. Regarding multilateralism: in the first term, multilateralism was one instrument of many in foreign policy, while the second term witnessed a tendency for increased unilateral decision making due to a Republican Congress. Finally, however, the administration was unable to commit the US to landmark international legal instruments, due to the opposition of the Republican Congress.

Similar to what the preceding administration did, the Clinton administration also recognised that the end of the Cold War and the spread of globalisation meant that the US had to execute a moderate foreign policy led by strategies such as 'enlargement' and 'assertive multilateralism' thus ascribing to a liberal hegemonic leadership model, working with partners and allies trying to solve important global problems, such as the peace processes in Northern Ireland or between Palestinians and Israel. Through this leadership model, it was able to sustain USIL.

As a result, the thesis' framework based on the FRC approach explains that the foreign policy of the Clinton administration can be considered partially legitimate (see Table 9) because US foreign policy partially or mostly reflected and met the framework's elements. Thus, the Clinton administration was able to keep USIL mostly undamaged during its terms. Some punctual questioning of USIL only took place during and after the NATO led bombings in Bosnia and Kosovo. After the presidency of Bill Clinton, the US was still the legitimate global superpower.

<p style="text-align: center;">THESIS' FRAMEWORK FOR THE ANALYSIS OF USIL IN THE POST-COLD WAR ERA:</p> <p style="text-align: center;">Analytical Perspective: dynamic, evolutionary, based on the FRC approach</p>	<p>CONTENTS AND DIMENSIONS OF THE USIL ELEMENTS BASED ON TABLE 7</p>	<p>Foreign Policy of the George H. W. Bush administration</p>	<p>Foreign Policy of the William J. Clinton administration</p>
	<p>INTERNATIONAL VALUES AND NORMS (<i>Substantive</i>)</p>		
	<p>INTERNATIONAL ORDER (<i>Procedural</i>)</p>		
	<p>INTERNATIONAL CONSENSUS (<i>Procedural</i>)</p>		
	<p>INTERNATIONAL SOCIETY (-)</p>		
	<p>RESULT OF THE ASSESSMENT OF US INTERNATIONAL LEGITIMACY BASED ON THE SCALES IN TABLE 5 AND 6 (ACADEMIC/SCHOLARLY JUDGMENT):</p>	<p>MOSTLY LEGITIMATE</p>	<p>PARTIALLY LEGITIMATE</p>

Table 9 - Matrix for the assessment of USIL in the William J. Clinton administration's foreign policy

4. THE GEORGE W. BUSH PRESIDENCY, 2001-2009

4.1 Introduction

The George W. Bush presidency was a presidency of and in transition and had also a difficult start in terms of legitimacy. The November 2000 presidential elections had been debated and contested, and George W. Bush became the 43rd US President through a ruling of the US Supreme Court.¹ Domestically, the new US President was accepted rather quickly.² In various newspapers across Europe, *CNN* summarised, both left-leaning and conservative newspapers questioned the political legitimacy of the George W. Bush presidency, highlighting that he was chosen by the Supreme Court justices, not by a majority of the American people.³

At the end of his presidency, however, in contrast to his father, George W. Bush was mostly globally disrespected and unpopular.⁴ This was not only due to his foreign policy, but also because he was perceived as not caring enough about the ordinary citizens. Further, due to the 9/11 events, he had transformed the US into a surveillance state, in which American rights to privacy were damaged. In the last year of Bush's presidency, the US underwent one of the major economic recessions since the Great Depression.⁵ Moreover, the administration did not see the importance of international legitimacy for America's foreign actions, as US Undersecretary of State John Bolton stated in 2003:

The question of legitimacy is frequently raised [...] to restrain American discretion in taking unilateral action or multilateral action outside the confines of an international organisation, even when our actions are legitimate by the operation of our own constitutional system. [...] Our actions taken consistently with our Constitutional principles require no separate, external validation to make them legitimate.⁶

The thesis' framework explains that US foreign policy under George W. Bush can only be considered weakly legitimate, because only three elements of the thesis' framework

¹ GREENHOUSE, Linda; "Bush Prevails", in *The New York Times*, 13 December 2000, available online at <http://www.nytimes.com/2000/12/13/us/bush-prevails-single-vote-justices-end-recount-blocking-gore-after-5-week.html>, accessed in February 2018.

² CARROLL, Joseph; "Seven out of 10 Americans Accept Bush as Legitimate President", in *Gallup News Service*, 17 July 2001, available online at <http://news.gallup.com/poll/4687/seven-americans-accept-bush-legitimate-president.aspx>, accessed in February 2018.

³ AMANPOUR, Christiane; "International reaction to US Elections", in *CNN News*, 14 December 2000, available online at <http://edition.cnn.com/chat/transcripts/2000/12/14/amanpour/>, accessed in February 2018.

⁴ Pew Research Centre, *Global Public Opinion in the Bush Years (2001-2008)*, 18 December 2008, available online at <http://www.pewglobal.org/2008/12/18/global-public-opinion-in-the-bush-years-2001-2008/>, accessed in May 2015.

⁵ MANN, James; *George W. Bush: The American Presidents Series: The 43rd President*, Times Books, New York, 2015, pp. 140-147.

⁶ BOLTON, John; *Address Before The Federalist Society at the 2003 National Lawyers Convention*, Washington D.C., 13 November 2003, available online at <http://www.fed-soc.org/publications/detail/john-bolton-address-before-the-federalist-society-at-the-2003-national-lawyers-convention>, accessed in June 2017.

were slightly or weakly reflected in the administration's foreign policy. Besides, America's commitment to the various elements was only frail and international society often contested US foreign policy.

The element of 'International Values and Norms' was only slightly reflected in the administration's foreign policy. International society condemned this lack of commitment to this element, as can be seen by the scholarly and public denunciation of the invasion of Iraq on both moral and legal terms, as well as the international condemnation of torture and the dislike for Bush's 'Pre-Emptive War Doctrine'. In relation to 'International Order', this element was not reflected in the foreign policy of the administration. International society strongly condemned America's lack of commitment to this element, because as can be noticed with the Iraq war, legitimacy acted as constraint on US hegemonic power by encouraging the international community to refrain the attainment of America's preferred aims in foreign policy. 'International Consensus' was only slightly reflected in the foreign policy of the administration, as it considered multilateralism only useful when it was effective. International society condemned America's lack of commitment to this element, especially when the US decided to circumvent the UNSC for its intervention in Iraq. The element of 'International Society' was only weakly reflected in US foreign policy acts, because the US only vaguely tried to influence the framework of international society.

4.2 International Values and Norms

At the beginning of his first term, George W. Bush outlined his foreign policy famously as "Anything But Clinton"⁷. In Bush's view, his predecessor's foreign policy had been chaotic, unfocussed and ineffective, describing it as "action without vision, activity without priority and missions without end."⁸ The president himself ascribed to the Wilsonian understanding of foreign policy in that he favoured the advancement of values such as freedom and democracy around the globe.⁹ In the new administration's view, Clinton had exhausted America's power on matters of secondary importance. In contrast, Bush promised a clear prioritisation of America's foreign policy aims based solely on America's major interests:

⁷ GREENSTEIN, Fred I.; *The George W. Bush Presidency: An Early Assessment*, Johns Hopkins University Press, Baltimore, 2003, Pos. 2258.

⁸ BUSH, George W.; "A Distinctly American Internationalism", *Speech at the Ronald Reagan Presidential Library*, Simi Valley, California, 19 November 1999, available online at <http://fas.org/news/usa/1999/11/991119-bush-foreignpolicy.htm>, accessed in May 2015.

⁹ *Ibid.*, accessed in May 2015.

An American president should work with our strong democratic allies in Europe and Asia to extend the peace. He should promote a fully democratic Western Hemisphere, [...]. He should defend America's interests in the Persian Gulf and advance peace in the Middle East, based upon a secure Israel. He must check the contagious spread of weapons of mass destruction, [...]. He must lead toward a world that trades in freedom.¹⁰

Accordingly, the Bush administration's foreign policy goals rested on two essential beliefs. First, that in a dangerous world, the only way to ensure America's interest was to shed the restrictions imposed by friends, allies and international institutions to maximise America's freedom to act.¹¹ Second, that the US being the unique hegemon should use its power to change the status quo in the world.¹² Bush and his team inscribed themselves in the realist's foreign policy thinking with a clear and distinct hegemonic worldview, contending that America's vast power and the willingness to exercise it even over the objections of others, was the key to securing America's interest in the world.¹³ According to Daalder, the administration's foreign policy based itself predominantly on the five hegemonist's beliefs¹⁴. First that the US lives in a dangerous world, one closer to Hobbes' state of nature (war of all against all) than to Kant's perpetual peace (idea of a law of world citizenship). Second, that self-interested nations are the key actors in world politics. Third, that America should exercise its power solely in its interest. Fourth, that multilateral institutions and agreements are neither essential nor necessarily conducive to American interests and finally fifth, that the US is a unique great power and that others see it as such.¹⁵

The distinct foreign policy values of Bush's team, however, can be split down in three groups. The first being US Secretary of State Colin Powell, who can be described as a traditional internationalist, knowing the importance of power but worried about stretching America's muscles too freely thereby alienating other countries.¹⁶ Second, the democratic imperialists (or better known as neo-conservatives) led by US Deputy Secretary of Defence Paul D. Wolfowitz, who argued that the US should actively deploy its overwhelming military, economic and political might to remake the world in its image and that doing so would serve the interest of other countries as well as the US¹⁷ The third group being assertive nationalists led by US Vice-President Richard B. Chen-

¹⁰ *Ibid.*, accessed in May 2015.

¹¹ DAALDER, Ivo H.; *America Unbound: The Bush Revolution in Foreign Policy*, Wiley, Hoboken, New Jersey, 2005, p. 12.

¹² *Ibid.*, p. 12.

¹³ *Ibid.*, p. 39.

¹⁴ *Ibid.*, pp. 40-44.

¹⁵ *Ibid.*, pp. 40-44.

¹⁶ WOODWARD, Bob; *Bush at War*, Simon and Schuster, New York, 2003, p.330.

¹⁷ KAGAN, Robert; "The Benevolent Empire", in *Foreign Policy*, No. 111, Summer 1998, p. 28.

ey and US Secretary of Defence Donald H. Rumsfeld who saw a more limited purpose for American power to deter and defeat potential threats to the nation's security, stating that "the world order is ultimately backed by the US"¹⁸

Bush and his team followed these values in foreign policy thereby redefining and discarding many principles governing the way the US acted overseas. The US administration under Bush favoured the unilateral exercise of power rather than working through international law and multilateral institutions, as the invasion of Iraq highlighted. It proactively advocated a doctrine of pre-emption and dropped timeworn strategies of deterrence and containment, as Iraq illustrated again. It endorsed forceful interdiction, pre-emptive strikes and missile defences as means to counter the spread of WMD and it restrained America's traditional support for treaty-based-non-proliferation regimes. The administration further preferred regime change to direct negotiations with leaders and countries that they condemned, Iraq being one of the key examples. The US under Bush depended on ad-hoc coalitions of the willing to gain support abroad and ignored permanent alliances, as the coalition to invade Iraq demonstrated. Bush withdrew from backing historic US support for European integration; the administration tried to unite the great powers in the fight against terrorism and rejected a policy aimed at balancing one power against another.¹⁹ After 9/11, Bush also preferred to divide the world in black and white, distinguishing between those who were "with us or against us"²⁰, between those "good or evil"²¹ and between those who "love freedom or hate the freedom we love"²².

At the beginning of its second term, however, the administration tried to soften the tone of its hegemonic worldview, declaring openly that it was in America's interest to get along with its major allies and friends and to consult them actively. Bush acknowledged that the differences he had encountered with European capitals in his first term on issues like Iraq and Afghanistan and generally, the War on Terror had brought them apart politically, and that he wanted to improve US-European relations.²³

¹⁸ DAALDER Ivo H.; LINDSAY, James M.; "It's Hawk vs. Hawk in the Bush Administration", in *The Washington Post*, 27 October 2002, available online at <http://www.brookings.edu/research/opinions/2002/10/27iraq-daalder>, accessed in May 2015.

¹⁹ DAALDER, Ivo H.; *op.cit.*, 2005, pp. 1-2.

²⁰ BUSH, George W.; *Address to a Joint Session of Congress and the American People*, Washington D.C., 20 September 2001, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/09/20010920-8.html>, accessed in May 2015.

²¹ BUSH, George W.; *The President's State of the Union Address*, Washington D.C., 29 January 2002, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2002/01/20020129-11.html>, accessed in May 2015.

²² BUSH, George W.; *Remarks to the Community*, Louisville - Kentucky, 5 September 2002, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=73073&st=&st1=>, accessed in May 2015.

²³ BUSH, George W.; *The President's News Conference*, 17 February 2005, available online at <http://www.presidency.ucsb.edu/ws/?pid=62597>, accessed in May 2015.

Speaking about strengthening America's relationships with the world in his second term, Bush added that multilateral institutions needed to be strengthened:

A new term in office is an important opportunity to reach out to our friends. I hope to foster a wide international consensus [...] by building effective multinational and multilateral institutions and supporting effective multilateral action.²⁴

The new rhetoric came after Condoleezza Rice had become the new US Secretary of State. Rice at once started to re-engage the US with the world, visiting 19 countries in her first two months in office.²⁵ In the US State Department, therefore, some sort of Republican Internationalism had again found its way in.²⁶

During George W. Bush's two terms, the US faced international criticism for some of its foreign policy decisions. The values of the Bush administration's foreign policy did not appear to be collectively shared amongst America's major allies, as highlighted by Alexander Moens:

Bush changed the tone of American foreign policy, but did not invest enough capital in diplomacy [...] to bring allies alongside. The Bush administration emphasised a set of values that flew in the face of conventional multilateralism.²⁷

In the end, as Daalder argued, the administration's foreign policy was not revolutionary in its goals but rather in its logic and means.²⁸

Regarding international norms, during the 43rd US president's term, the norms of morality, legality and constitutionality were debated by scholars especially in the cases of the US interventions in Afghanistan and Iraq. The underlying conceptual basis for both interventions for the administration was the so called "Bush Doctrine" or "Pre-Emptive Strike Doctrine", which stemmed from the 9/11 attacks. In that strategy, the US proclaimed that it could no longer follow a reactive security strategy pertaining to international terrorism, but that pre-emptive strikes should be an option:

Given the goals of rogue states and terrorists, the US can no longer solely rely on a reactive posture as we have in the past. The inability to deter a potential attacker, the immediacy of today's threats, and the magnitude of potential harm that could be caused by our adversaries' choice of weapons, do not permit that option. We cannot let our enemies strike first.²⁹

²⁴ BUSH, George W.; *Remarks*, Halifax, 1 December 2004, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=72844&st=i+hope+to+foster+a+wide+international+consensus&st1=>, accessed in May 2015.

²⁵ RICE, Condoleezza; *Opening Remarks*, Washington D.C., 18 January 2005, available online at <http://2001-2009.state.gov/secretary/rm/2005/40991.htm>, accessed in May 2015.

²⁶ MABRY, Marcus; BUMILLER, Elisabeth; KESSLER, Glenn; "Twice as Good: Condoleezza Rice and Her Path to Power", in *Foreign Affairs*, November/December 2008.

²⁷ MOENS, Alexander; *The Foreign Policy of George W. Bush – Values, Strategy and Loyalty*, Ashgate, Farnham, 2003, p.117.

²⁸ DAALDER, Ivo H.; *op.cit.*, 2005, p. 39.

²⁹ US Department of State; *The National Security Strategy of the United States of America*, September 2002, p. 15, available online at <http://www.state.gov/documents/organization/63562.pdf>, accessed in May 2015.

This strategy led to a clash to the norms of constitutionality, morality and legality because it rested merely on three premises³⁰. First, that traditional preventive measures, like diplomacy, multilateral non-proliferation treaties and export controls, cannot prevent the spread of WMD to terrorist groups or tyrannical regimes. Second, that these groups view these weapons as normal choice rather than as weapons of last resort, as they are much more risk-prone than previous Cold War adversaries. Third, that the old, reactive strategies of Containment and Deterrence were less likely to succeed in the post 9/11 era. Therefore, for the Bush administration, the alternative of pre-emption was, for all the dangers such a strategy entailed, to be much preferred.

On these premises, the administration decided to intervene in Afghanistan in 2001. America's decision was not severely challenged, because after the 9/11 attacks, the UNSC was able to agree on Resolution 1373 reaffirming the right of the US to use force in self-defence against terrorist activities and de-facto legitimising the US military intervention in Afghanistan.³¹ The US itself declared the 9/11 attacks to be an "act of war".³² Therefore, there was little questioning of the US's right for self-defence under Article 51 of the UN Charter and NATO's right to act under Article 5 of the NATO Treaty.³³ The intervention in Afghanistan was called Operation Enduring Freedom (OEF), involving the armies of a large coalition of states, which initially was a multinational force commanded by individual nations and later by NATO.³⁴ For OEF, the moral-legal basis for intervention were the US right to self-defence as well as the UN's definition that the 9/11 attacks were a threat to international peace and security.³⁵ The succeeding International Security Assistance Force (ISAF) had three major moral-legal bases: first, the support for democratic state building in Afghanistan; second, the prevention from further terrorist attacks stemming from Afghanistan and finally the reconstruction of a failed state.³⁶ The Bush administration however only involved the UN in Afghanistan after the US's fast success to take the lead in state building and reconstruction.³⁷ The moral-legal justifications to work with the UN regarding democratisation and reconstruction were that it was not only the US and the international community's

³⁰ DAALDER, Ivo H.; *op.cit.*, 2005, pp. 39-42.

³¹ UN Security Council, *Resolution 1373*, 28 September 2001, available online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/557/43/PDF/N0155743.pdf?OpenElement>, accessed in May 2015.

³² BUSH, George W.; *Remarks following a meeting with the National Security Team*, Washington D.C., 12 September 2001, available online at <http://www.presidency.ucsb.edu/ws/?pid=58058>, accessed in May 2015.

³³ *North Atlantic Treaty*, Article 5, available online at http://www.nato.int/cps/en/natolive/official_texts_17120.htm, accessed in May 2015.

³⁴ CAMPBELL, Colin; *The George W. Bush Presidency: Appraisals and Prospects*, CQ Press, Washington D.C., 2003, pp.201-204.

³⁵ UN Security Council, *Resolution 1368*, 12 September 2001, available online at <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/N01/533/82/PDF/N0153382.pdf?OpenElement>, accessed in May 2015.

³⁶ AOI, Chiyuki; *op.cit.*, pp. 159-161.

³⁷ DAALDER, Ivo H.; *op.cit.* 2005, p. 111.

moral obligation, but that such a commitment was needed to consolidate stability in Afghanistan, which was a condition necessary for international security.³⁸

The case of Afghanistan did not strongly defy the international norm of morality, but rather the norms of constitutionality and especially legality. Scholars like Myra Williamson argued that the intervention in Afghanistan was illegal for two reasons essentially.³⁹ First, that the US had not suffered an armed attack, since an armed attack, as understood by international law, is an attack by a state upon a state.⁴⁰ Second, the US's use of force failed to meet the customary law requirements of necessity, immediacy, and proportionality, since neither the US nor the UK intervened in Afghanistan as means of last resort.⁴¹ Even if there were two UNSC Resolutions (1368 and 1373), those defined the terrorist acts of 11 September 2001 as a threat to peace, hence not as an armed attack legitimizing self-defence under Article 51 of the UN Charter.⁴² Marjorie Cohn added that “the bombings of Afghanistan [...] are illegal.”⁴³

In Iraq, the intervention was questioned internationally both regarding morality and legality. The US based its decision for intervention on UNSC Resolution 687 of 1991: because the 1990-91 war against Iraq ended with an UN-mandated cease-fire, Iraq in 2003 violated its obligations under that cease-fire, thus, according to the US such “material breach” of the cease-fire conditions had the effect of “reviving” the 1990/91 authorization to use force. In other words, the argument was that Iraq was in breach of the disarmament obligations as put forth in UNSC Resolution 687 and its continued non-compliance would result in serious consequences, i.e. the use of force.⁴⁴ In Sean D. Murphy's view, however, this US argumentation was legally false:

The text of Resolution 678, and those Resolutions that followed, [...], [...] demonstrate that the US and its allies did not have Security Council authorization in March 2003 to invade Iraq. [...], the reliance on decisions of the Security Council taken years earlier to address different circumstances, and the clear resistance of a majority of Security Council members in March 2003 to the de-

³⁸ US Department of State; *op.cit.*, September 2002, p. 4.

³⁹ E.g. WILLIAMSON, Myra; *Terrorism, War and International Law*, Ashgate Publications, Farnham, 2009.

⁴⁰ GRIFFIN, David R.; “Did 9/11 Justify the War in Afghanistan?”, in *Global Research*, 9 September 2014, available online at <http://www.globalresearch.ca/did-9-11-justify-the-war-in-afghanistan/19891>, accessed in May 2014.

⁴¹ CASSESE, Antonio; “Terrorism is also Disrupting Some Crucial Legal Categories of International Law”; in *European Journal of International Law*, Vol. 12, 2001, p.997.

⁴² *Ibid.*, p. 996.

⁴³ COHN, Marjorie; “Bombing of Afghanistan Is Illegal and Must Be Stopped,” in *Jurist*, 6 November 2001, p. 51.

⁴⁴ KIRGIS, Frederic; “Security Council Resolution 1441 on Iraq's Final Opportunity to Comply with Disarmament Obligations”, *American Society of International Law Insights*, November 2002, available online at <http://www.asil.org/insights/volume/7/issue/12/security-council-Resolution-1441-iraqs-final-opportunity-comply>, accessed in May 2015.

ployment of force against Iraq, combined to strip the invasion of Iraq of the collective legitimacy sought by the United States.⁴⁵

Scholars such as Mary Ellen O'Connell contended that this pre-emptive strike in Iraq had no legal basis, by stating that the armed attack violates "the plain terms of the UN Charter and the prevailing interpretation of those terms."⁴⁶ Krisch added that US actions against Iraq "leave the system of collective security severely damaged."⁴⁷

Thus, the investigation identifies that the George W. Bush administration's foreign policy values were not equivalent to those shared by the international community of the time. The US administration under Bush preferred the unilateral exercise of power rather than working through international law and multilateral institutions, as the invasion of Iraq highlighted. Even though they would have preferred to go through multilateral institutions as they tried to find UNSC solutions to both the interventions in Afghanistan and Iraq, they finally conceded that the imperative of retaliating the 9/11 attacks was too strong to wait for international consensus to be build. From this resulted the "you are with or against us" speech and the approach of "coalitions of the willing". The administration also backed the doctrine of pre-emption and abandoned time-honoured strategies of deterrence and containment, as Iraq illustrated. Both the hegemonic values in US foreign policy and America's disrespect of international norms led to a negative view of the US in the world. Further, the analysis also suggests that the US did not conform to international society's established procedures in the execution of its foreign policy. While in the case of Afghanistan support was given by a large majority of international society⁴⁸ for the intervention, this was much reduced for the intervention in Iraq, as America's intervention in Iraq did not correspond to the expectations and established procedures of international society at the time and was thus censored. In the case of Afghanistan, international support was given while the mission's goals were reconstruction, state building as well as the prevention of future terrorism and all shared the commitment. As soon as the mission became a pure anti-terror and counterinsurgency operation, with decreased commitment by the US; the US was, apart from some sup-

⁴⁵ MURPHY, Sean D.; "Assessing the Legality of Invading Iraq", in the *George Washington University Law School Publications*, 2004, available online at http://scholarship.law.gwu.edu/cgi/viewcontent.cgi?article=1898&context=faculty_publications, May 2015.

⁴⁶ O'CONNELL, Mary Ellen; "Addendum to the Use of Force in Iraq: Issues of Legality", in *ASIL Insights*, April 2003, available online at <http://www.asil.org/insights/volume/8/issue/5/armed-force-iraq>, accessed in May 2015.

⁴⁷ KRISCH, Nico; "Unilateral Enforcement of the Collective Will: Kosovo, Iraq, and the Security Council", in *Max Planck Yearbook of United Nations Law*, Leiden, 2004.

⁴⁸ International society supported America's intervention in Afghanistan through the UNSC by adopting UNSC Resolutions 1368, 1373, 1378 and 1383. Moreover, based on the so called "Bonn Agreements", in which various countries participated, the "International Security Assistance Force (ISAF) was installed, which was then established through UNSC Resolution 1386. Source: RUBIN, Barnett R.; HAMIDZADA, Humayun; "From Bonn to London: Governance Challenges and the Future of State building in Afghanistan", in *International Peacekeeping*, Vol. 14, 2007, pp. 8-25.

port given by the UK and other NATO states, mainly left alone as hegemon to bear the costs of post-war stabilisation, weakening America's hegemonic standing and finally also its ability to act.

Finally, with respect to the international norms of morality, legality and constitutionality, no substantial US commitment to international law can be observed in the foreign policy of the George W. Bush administration, as the US challenged the norms of morality, constitutionality and especially legality, as the criticism about the interventions in Iraq and Afghanistan as well as the War on Terror demonstrated. America's breaches of these norms led to mistrust between America's longstanding allies and partners. After the war in Iraq, German Chancellor Schröder declared that "as we know today, the Bush administration's reasons for the Iraq war were based on lies,"⁴⁹ and Brzezinski added: "Distrust has undermined America's international legitimacy."⁵⁰

Thus, the analysis indicates that the element of 'International Values and Norms' was only slightly reflected in the foreign policy of the Bush administration. The foreign policy of the Bush administration did not display a strong commitment to 'International Values and Norms'. This indicates that the Bush administration's foreign policy only slightly corresponds with the contents and the definition of 'International Values and Norms' of the thesis' framework.

4.3 International Order

The international environment at George W. Bush's access to the Oval Office was marked by a clear unipolar distribution of power, with the US as the principal super-power integrated in and leading the international community in a legitimate manner. The end of the 1990s demonstrated that the US as the new hegemon and the rapid spread of globalisation had altered the traditional understanding of Westphalia, i.e. that there is an equilibrium of power among great powers and that there are sovereign territorial states. As Vittorio Emanuele Parsi illustrated, from the beginning of the years 2000, the international system has undergone a transformation, magnified since 9/11, as profound as any since the Peace of Westphalia, due to an epochal shift from a 'peace of equilibrium' to a 'hegemonic peace'.⁵¹

⁴⁹ HARNDEN, Toby; „Gerhard Schroeder accuses George W. Bush of 'not telling truth' in memoirs”, in *The Telegraph*, 10 November 2010, available online at <http://www.telegraph.co.uk/news/worldnews/us-politics/8124170/Gerhard-Schroeder-accuses-George-W-Bush-of-not-telling-truth-in-memoirs.html>, accessed in May 2015.

⁵⁰ BRZEZINSKI, Zbigniew; *op.cit.*, 2007, p. 146.

⁵¹ PARSİ, Vittorio Emanuele; *L'Alleanza inevitabile: Europa e Stati Uniti oltre l'Iraq*, Università Bocconi, Milan, 2003.

In the view of the Bush administration, the international and multilateral engagement of the US under Clinton had to be rejected. Although Bush approved the US engagement in the Balkans, he wanted to replace Clinton's foreign interventions with "focused ones [...] [and uncertain missions] with well-defined objectives".⁵² Regarding the so-called humanitarian interventions, Bush declared that only where the US saw its strategic interest threatened, the US should intervene.⁵³

Until George W. Bush came to office, international institutions had been an effective way of exerting America's influence and power. The Bush administration's foreign policy values included a unilateral and realist foreign policy assessment, as Chapter 4.2 illustrated. The administration under Bush pulled the US unilaterally out of international commitments that Clinton had agreed to, notably in abandoning an agreement with North Korea, as well as peace-talks with Northern Ireland. The US under Bush was characterised by American unilateral power setting the global agenda, thereby balancing one power against the other.

Both due to the numerous US military interventions under the Clinton years and the post 9/11 US wars in Afghanistan and Iraq, the international environment had changed dramatically. Thus, the Bush administration was confronted with what Kennedy called the 'imperial overstretch', i.e. "the overextension either geographically, economically, or militarily that inevitably leads to the exhaustion of vital domestic resources, decline, and fall."⁵⁴ Accordingly, Niall Ferguson stated in 2005 that the US was "manifestly overstretched",⁵⁵ explaining that the US under Bush was facing four major challenges⁵⁶: the first being that the Iraq and Afghan Wars were draining America's financial and military resources dramatically. The second was the emerging great power rivalry between a strengthening China and an economically declining US. The third challenge was that the US and Europe were starting to diverge: due to America's unilateral use of power and its disregard of the opinion of its longstanding allies, Europe felt side-lined and disrespected by the Bush administration. Finally, the last problem related to the very purpose of NATO after the end of the Cold War.⁵⁷

⁵² BUSH, George W.; *President Speaks on War Effort to Citadel Cadets*, Charleston SC, 11 December 2001, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/12/20011211-6.html>, accessed in June 2015.

⁵³ BUSH, George W.; in "This Week", *ABC News*, 23 January 2000, available online at <http://fas.org/nuke/control/abmt/news/0430-103.htm>, accessed in June 2015.

⁵⁴ KENNEDY, Paul; *op.cit.*, pp. 488-514 and pp. 514-535.

⁵⁵ FERGUSON, Niall; "Sinking Globalization", in *Foreign Affairs*, March/April, 2005.

⁵⁶ *Ibid.*,

⁵⁷ *Ibid.*.

What 9/11 proved to the Bush administration was that old forms of deterrence and traditional assumptions of threats no longer held, since in a fragmented and interconnected world only a few fanatics were needed to disrupt America's undisputed military might. The US under Clinton had become the benevolent hegemon; under Bush it became the tight-fisted hegemon, the US had to fight the fierce war of peace to protect and enlarge the 'empire of liberty'.⁵⁸

In the aftermath of 9/11, the National Security Strategy of 2002 was the basis for America's actions in influencing and shaping the international order in the post-Cold War era. Due to this strategy, the Bush administration departed from the traditional Weinberger-Powell criteria⁵⁹ for US military interventions abroad. The new strategy quite explicitly laid down the criteria for future interventions, i.e. as Chapter 4.2 highlighted, that force should be executed proactively against rogue states and terrorists that possess the capability and motivation to harm the US and its allies also with WMD.⁶⁰ Accordingly, America's unilateral use of force in Iraq and Afghanistan based on the Pre-emptive Strike Doctrine did not positively contribute to the credibility and legitimacy of the US in the world. While under previous administrations the US played its part within multilateral institutions and listened to the advice of its long-term allies, the George W. Bush wars, especially the one in Iraq, had the US become a solitary superpower. The international community in fact restrained from following the US in the case of Iraq, because, as Nicholas J. Wheeler and Justin Norris observe; "the illegitimacy of the war directly affected the willingness of other states to contribute in the post-war effort to rebuild Iraq as well."⁶¹ Further, Frazer Egerton and Vincent Keating added that the US's illegitimate conduct in international affairs after 9/11 "damaged the US standing as a responsible leader of international society."⁶² The Bush administration was confronted with the widespread international belief that the US were militarily capable to achieve regime change, but that they were culturally and politically unable to install liberal and democratic institutions in countries with little historic experience or native origin of such ideas and beliefs, as Iraq and Afghanistan demonstrated. In the end, US unilateralism was not apt to the challenges of a 21st century international envi-

⁵⁸ HELD, Martin; KOENIG, Mathias; *American Power in the 21st Century*, Polity Press, Cambridge, 2004, p. 24.

⁵⁹ See footnote 71 in Chapter 2.4 supra.

⁶⁰ *United States' National Security Strategy*, 2006, available online at <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/>, accessed in June 2015.

⁶¹ MORRIS, Justin.; WHEELER, Nicholas J.; "The Security Council's Crisis of Legitimacy and the Use of Force", in *International Politics*, Vol. 44: 2, 2007, p. 153.

⁶² MORRIS Justin.; WHEELER, Nicholas J.; EGERTON, Frazer; KEATING, Vincent; *The Rise and Fall of Norms in International Politics*, Unpublished Manuscript, 2009, p. 6.

ronment characterised by global problems. Rather, the US under Bush was an obstacle for the solution of these problems, as illustrated by Lee.⁶³

With regard to US military interventions abroad, two are most relevant during the terms of the Bush administration: Afghanistan and Iraq:

Afghanistan can be described as America's first intervention within the newly US led global War on Terror. Immediately after the 9/11 attacks, the administration set major US foreign policy choices, with Bush declaring that the US

Will make no distinction between the terrorists who committed these acts and those who harbour them. [...] America and our friends and allies join with all those who want peace and security in the world, and we stand together to win the war against terrorism.⁶⁴

World public opinion was broadly sympathetic toward America after these attacks, by declaring for example "We are all Americans", as the French Newspaper *Le Monde* did⁶⁵. Various governments and organizations from the western world and several pro-US allies expressed shock and sympathy, and were supportive of escalating efforts to combat terrorism; almost all Muslim political and religious leaders condemned the attacks.⁶⁶ NATO approved a Resolution under Article 5 of its treaty invoking the collective right of self-defence, i.e. an armed attack on any member of the treaty was considered to be an attack on the whole alliance.⁶⁷ The Bush administration approved this decision. However, it kept its allies at arms' length, since an attack on American soil had in their view to be responded to only and merely with American forces. In addition, because in the case of Kosovo, it took NATO six months to intervene, the US decided to act with ad-hoc, shifting coalitions. The concept of 'coalitions of the willing' emerged, as US Secretary of Defence Donald H. Rumsfeld described: "The mission must determine the coalition. The coalition ought not to determine the mission."⁶⁸

In the announcement of his military intentions, Bush famously declared that "every nation, in every region, now has a decision to make: either you are with us or

⁶³ LEE, Lavina R.; *op.cit.*, 2010 Position 3372.

⁶⁴ BUSH, George W.; *Address to the Nation on the Terrorist Attacks*, Washington D.C., 11 September 2001, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=58057&st=&st1=>, accessed in June 2015.

⁶⁵ COLOMBANI, Jean-Marie; "Nous sommes tous Américains", in *Le Monde*, 13 September 2001, available online at http://www.lemonde.fr/idees/article/2007/05/23/nous-sommes-tous-americains_913706_3232.html, accessed in June 2015.

⁶⁶ "World Shocks over US Attacks", in *CNN News*, 12 September 2001, available online at <http://edition.cnn.com/2001/WORLD/europe/09/11/trade.centre.reaction/>, accessed in February 2018.

⁶⁷ NATO, *Invocation of Article 5*, Brussels, 12 September 2001, available online at <http://www.nato.int/docu/update/2001/1001/e1002a.htm>, accessed online in June 2015.

⁶⁸ RUMSFELD, Donald; *Memo to the President*, 22 September 2001, available online at <http://library.rumsfeld.com/doclib/sp/265/To%20George%20W.%20Bush%20re%20Coalitions%2009-22-2001.pdf>, accessed in June 2015.

you are with the terrorists.”⁶⁹ On 7 October 2001, US and British forces began the war in Afghanistan and Bush stated that the aim of the war was to “disrupt the use of Afghanistan as a terrorist base of operations and to attack the military capability of the Taliban regime.”⁷⁰ Bush also announced that the US did not intend to limit OEF to Afghanistan: “today we focus on Afghanistan, but the battle is broader.”⁷¹

On the domestic front, the 9/11 attacks also considerably changed the American way of life: the administration transformed the operations of the US’s homeland and intelligence institutions, the freedom of American citizens with the adoption of the US Patriot Act⁷² and its respect towards international law and to the treatment of prisoners.

Even though the military operations were terminated quickly, Afghanistan did not become peaceful. An insurgency resulted, but thanks to the so called Bonn-meetings⁷³, the international community installed ISAF. Still, the Bush administration rejected participating in it, because, as Bush explained, his objective had been ‘regime change’ and not ‘nation building’⁷⁴.

The US involvement and financial support for the Afghan war was significantly influenced by the evolution of the military intervention in Iraq, which started in March 2003. After that, the Bush administration diverted its attention fully to the combat operations in Iraq, leaving Afghanistan to ISAF and to itself. Pertaining to the central aims of the Afghanistan intervention, however, the US had prevented further attacks on its soil. It had, however, destabilized the Middle Eastern Area, left a country in shatters thereby creating another breeding place for future terrorists. Scholars like Richard A. Clarke criticised the war in Afghanistan especially because of America’s lack of long-term commitment in terms of reconstruction and development aid.⁷⁵

In Iraq, the assumed threat posed by it with its assumed WMD programme was the basis for the American intervention. The call for an intervention started to become

⁶⁹ BUSH, George W.; *Address Before a Joint Session of the Congress on the US Response to the Terrorist Attacks of September 11*, Washington D.C., 20 September 2001, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=64731&st=&st1=>, accessed in June 2015.

⁷⁰ BUSH, George W.; *Address to the Nation Announcing Strikes against Taliban Military Installations in Afghanistan*, Washington D.C., 7 October 2001, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=65088&st=&st1=>, accessed in June 2015.

⁷¹ *Ibid.*

⁷² The US Patriot Act was passed by US Congress in October 2001. The law aims at removing the wall between intelligence collection and law enforcement, permitting extensive sharing of information, including data collection and interceptions from private citizens without explicit previous Court Decision. *Source*: US Congress, *Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001*, available online at <https://www.congress.gov/bills/107/congress-house-bill/3162>, accessed in June 2015.

⁷³ RAMCHARAN, Bertrand G.; *International Peace Conferences*, Nijhoff Publications, Leiden, 2012, pp.100-101.

⁷⁴ BUSH, George W.; *op.cit.*, 11 October 2001, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=73426&st=&st1=>, accessed in June 2015. / Quoted in KAGAN, Frederick W.; *Finding the Target: The Transformation of American Military Policy*, Encounter Books, New York, 2007, p.299.

⁷⁵ CLARKE, Richard A.; *Against all Enemies – Inside America’s War on Terror*, Free Press, New York, 2004, pp. 278-279.

visible already in summer 2002, when US Vice-President Richard B. Cheney publicly declared that Iraqi President Saddam Hussein would ‘fairly soon’ have nuclear weapons, and that it would be useless to seek a UNSC Resolution requiring Iraq to submit to weapons inspectors; Hussein’s threat, so Cheney, made a pre-emptive attack against Iraq imperative.⁷⁶ In addition, at the UN General Assembly in September 2002, George W. Bush catalogued five conditions for a peaceful resolution of the Iraqi conflict.⁷⁷ In an address by US Secretary of State Colin Powell to a special session of the UNSC, he presented the case for Iraq’s WMD programme declaring that Iraq had mobile production facilities believed to be used to make biological agents.⁷⁸

Moreover, the Bush administration also tried repeatedly to establish a connection between Iraq and Al Qaeda, but the claims were never confirmed⁷⁹ nor shared internationally.⁸⁰ Besides, after that Bush had declared that Saddam Hussein “had tried to kill my Dad at one time,”⁸¹ the international community feared that the US would unilaterally invade a country that had neither an apparent link to the global War on Terror nor had it breached the UN Charter for legitimising a military intervention. Thus, even though in the build up to the Iraq War there were attempts by the Bush administration to go the UN route, as Chapter 4.4. will show, to build up an international coalition such as for the First Gulf War of 1990/91, states such as France and Germany especially resisted the push for force.⁸² Moreover, in various countries, massive demonstrations took place not seen since the Vietnam War.⁸³ Capitol Hill was also reserved to authorise the president to declare war on Iraq. The Bush administration, however, claimed that Congress, by passing the Iraq Liberation Act of 1998, had already approved US military action against Iraq for violations of UNSC Resolutions.⁸⁴

⁷⁶ Quoted in BUMILLER, Elizabeth; DAO, James; „Cheney says Peril of a nuclear Iraq justifies Attack”, in *The New York Times*, 27 August 2002, available online at <http://www.nytimes.com/2002/08/27/world/eyes-on-iraq-cheney-says-peril-of-a-nuclear-iraq-justifies-attack.html>, accessed in June 2015.

⁷⁷ BUSH, George W.; *Address to the UN General Assembly*, New York, 12 September 2002, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=64069&st=&st1=>, accessed in June 2015.

⁷⁸ POWELL, Colin; *Address to the UN Security Council*, New York, 5 February 2003, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2003/02/20030205-1.html>, accessed in June 2015.

⁷⁹ See for example BUSH, George W.; *Remarks Prior to Discussions With President Alvaro Uribe of Colombia and an Exchange With Reporters*, Washington D.C., 25 September 2002, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=64031&st=&st1=>, accessed in June 2015.

⁸⁰ ROTELLA, Sebastian; “Allies find no links between Iraq, Al Qaeda”, in *Los Angeles Times*, 4 November 2002, available online at <http://articles.latimes.com/2002/nov/04/news/fgnoqaeda4>, accessed in June 2015.

⁸¹ Quoted in KING, John; “Bush calls Saddam ‘the guy who tried to kill my dad’”, in *CNN*, 27 September 2002, available online at <http://edition.cnn.com/2002/ALLPOLITICS/09/27/bush.war.talk/>, accessed in June 2015.

⁸² MALONE, David M.; *op.cit.*, pp. 196.-200.

⁸³ CHRISAFIS, Angeliqe *et.al.*; “Millions worldwide rally for peace”, in *The Guardian*, 17 February 2003, available online at <http://www.theguardian.com/world/2003/feb/17/politics.uk>, accessed in June 2015.

⁸⁴ “Bush rejects Hill limits on Resolution allowing War”, in *The Washington Post*, 2 October 2002, available online at <http://www.washingtonpost.com/archive/politics/2002/10/02/bush-rejects-hill-limits-on-Resolution-allowing-war/0ef0ff15-5c6a-455c-bb95-f45e0f61cc80/>, accessed in June 2015.

On 19 March 2003, Bush ordered military operations against Iraq because he believed Baghdad had WMD and was prepared to use them:

[...] my determination that further diplomatic and other peaceful means alone will neither adequately protect the national security of the US against the continuing threat posed by Iraq, nor lead to enforcement of all relevant UN Security Council Resolutions regarding Iraq. I have reluctantly concluded, along with other coalition leaders, that only the use of armed force will accomplish these objectives and restore international peace and security in the area. I have also determined that the use of armed force against Iraq is consistent with the US and other countries continuing to take the necessary actions against international terrorists [...] who planned, authorized, committed, or aided the terrorist attacks that occurred on September 11, 2001.⁸⁵

The US was supported by a coalition of 35 countries, which was larger than the coalition gathered by George H. W. Bush in the first Gulf War in 1991, but much less in its importance, since only the UK as other major power participated in it.⁸⁶ The coalition was ridiculed internationally as the collation of the “anonymous, the dependent, the half-hearted and the uninvolved.”⁸⁷ Operation Iraqi Freedom was terminated quickly,⁸⁸ but the violence in Iraq never ceased. Like in Afghanistan, a violent counterinsurgency erupted. Contrary to Afghanistan, though, the US did not want an international coalition or the UN participate in the post-war phase of Iraq. As then US National Security Advisor Rice explained, “it would only be natural, that after having participated and having liberated Iraq and having given life and blood to liberate Iraq, the coalition forces would have the leading role”⁸⁹ in running Iraq and determining its future government. Thus, as Daalder illustrated, the fact that the US wanted to remain unambiguously in control of Iraq undermined the legitimacy of its occupation in the eyes of the Iraqi people.⁹⁰

Even though US economic and development aid support was increased to Iraq compared to Afghanistan, the country was damaged, destabilising the whole region and was shaken daily by suicidal attacks. It was only in November 2008 that the succeeding Obama administration decided to have US troops leave Iraq by 2010. Both Bush wars in

⁸⁵ BUSH, George W.; *Letter to Congressional Leaders Reporting on the Commencement of Military Operations against Iraq*, 21 March 2003, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=62688&st=&st1=>, accessed in June 2015.

⁸⁶ Source: The White House, *Operation Iraqi Freedom – Coalition Members*, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2003/03/20030327-10.html>, accessed in June 2015.

⁸⁷ KELLER, Bill; “Why Colin Powell should go”, in *The New York Times*, 22 March 2003, available online at <http://www.nytimes.com/2003/03/22/opinion/22KELL.html>, accessed in June 2015.

⁸⁸ BUSH, George W.; *Address to the Nation on Iraq*, USS. Abraham Lincoln, 1 May 2003, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=68675&st=&st1=>, accessed in June 2015.

⁸⁹ Quoted in SANGER, David; TAGLIABUE, John; “Bush aide says US not UN will rebuild Iraq”, in *The New York Times*, 5 April 2003, available online at <http://www.nytimes.com/2003/04/05/world/a-nation-at-war-after-the-war-bush-aide-says-us-not-un-will-rebuild-iraq.html>, accessed in June 2015.

⁹⁰ DAALDER, Ivo H.; *op.cit.*, 2005, p. 174.

Afghanistan and Iraq contributed to a US death toll of 2408 for Afghanistan and 4531 for Iraq respectively, as of March 2018.⁹¹

Hence, the strategy of pre-emption for regime change and democratisation had worked neither for Afghanistan nor for Iraq. The lack of proof for Iraq's alleged WMD programme⁹² made world public opinion question the conduct, the justifiability and the legitimacy of the war in Iraq, mainly when failure in post-war stabilization compromised rather than improved security. The Iraq war gave justification to the critics of the doctrine of pre-emption who had argued that such a broad right to use force would be used to provide an opportune legal cover for the abuse of power. Moreover, both Bush wars did not contribute to the eradication of terrorism. In the case of Iraq, only when the old invasion strategy was replaced by a new coordinated and well supplied strategy was it successful in creating some sort of political and legal order that then started to uphold the legitimacy of the international engagement. The future spread of the Islamic State of Iraq and al-Sham (ISIS), however, highlights that the two wars contributed to the destabilisation of the Middle East. Administration officials also saw America's failed attempts in Afghanistan and Iraq as exposing the US ability to deal with future threats.⁹³

The conduct of the wars in Afghanistan and Iraq further illustrated that if US leadership lacked legitimacy, only few would follow. This due to a contradiction in the US foreign policy prescriptions within the global War on Terror inscribed in the National Security Strategy of 2002 and the core values the US had been long identified with. In both Afghanistan and Iraq the US was perceived mainly as occupying and controlling rather than liberating and democratising. Thus, the more US intentions were questioned in the War on Terror, the less influence the US would have to shape the international order in the future, as clarified by Daalder:

[...] when you lead badly, few follow. [...] Indeed, the more others questioned America's power, purpose and priorities, the less influence America would have. If others sought to counter the US and delegitimize its power, Washington would need to exert more effort to reach the same desired end- [...]. If others stepped aside and left Washington to tackle common problems as it saw fit, the costs would increase. That risked undermining not only what the US could achieve abroad but also domestic support for its engagement in the world.⁹⁴

⁹¹ Source: *iCasualties.org*, available online at <http://icasualties.org/>, accessed in March 2018.

⁹² Charles Duelfer, as special advisor from the US Government, identified that there were no WMD capabilities in Iraq. See: DUELFER, Charles; *Comprehensive Report of the Special Advisor on Iraq's Weapons of Mass Destruction*, Volume 2 Nuclear Warfare pp.7-9; Volume 3 Chemical Warfare p.1; Volume 3 Biological Warfare p.1, Washington D.C., 30 September 2004, available online at https://www.cia.gov/library/reports/general-reports-1/iraq_wmd_2004, accessed in June 2015.

⁹³ GATES, Robert M.; "A Balanced Strategy: Reprogramming the Pentagon for a New Age," in *Foreign Affairs*, January/February 2009.

⁹⁴ DAALDER, Ivo H.; *op.cit.*, 2005, p. 193.

This all suggests that the US was not committed to this element because it did not accept the natural international order after 9/11. The contents of this element were also not reflected in the foreign policy of the Bush administration because America under Bush did not execute a moderate foreign policy. The US under George W. Bush became a solitary ‘tight-fisted hegemon’, relying mostly on the use of military power to achieve its ends. The UN and longstanding allies were hardly consulted to plan and execute the military interventions. The failure of the Bush administration to conform to the expectations of correct behaviour by the hegemon had legitimacy constrain US hegemonic power by encouraging the international community to resist the realisation of America’s aims in foreign policy. Finally, it was clear to the Bush administration that even hegemonic states like the US have limits in their capacity to bear the costs of maintaining international order alone. This was in stark contrast to the situation experienced by George W. Bush’s father, because in the 1990-1991 Iraq crisis, America’s legitimate conduct actually motivated the international community to conform to the norms of the hegemonic order, without the expenditures to induce or coerce them to do so.

As a result, this Chapter concludes that the framework’s element of ‘International Order’ was not reflected in nor met by the foreign policy of the Bush administration, thereby illustrating a lack of commitment to this element. This was variously challenged by international society. Thus, this indicates that the Bush administration’s foreign policy did not correspond with the contents and the definition of ‘International Order’ of the thesis’ framework.

4.4 International Consensus

The Bush administration’s view on multilateralism was mainly based on the National Security Strategy of 2002, in which the US defined that the common threat was terrorism and that “today, great powers find ourselves on the same side – united by common dangers of terrorist violence and chaos,”⁹⁵ thereby defining terrorism as both the common denominator and catalyst amongst great powers to act internationally. In this view, as long as American international cooperation was a by-product in the combat against global terrorism, the Bush administration adhered to the tenets of its own multilateral construct.⁹⁶ The National Security Strategy therefore highlighted America’s commitment to multilateral institutions, but only insofar as they did not deter the US from tak-

⁹⁵ *United States’ National Security Strategy*, 2006, p. 3, available online at <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/>, accessed in June 2015.

⁹⁶ *Ibid.*, p. 3, accessed in June 2015. / COLLIER, Michael M.; “The Bush Administration’s Reaction to September 11: A Multilateral Voice or a Multilateral Veil”, in *Berkeley Journal of International Law*, Volume 21, Issue 3, 2003, p. 727.

ing actions against terrorism and/or rogue states. Within the rhetoric on the global War on Terror and the Pre-Emptive Strike Doctrine, the Bush administration believed that in the event a pre-emptive strike was not going to be authorised by the UN, the US would ‘multilateralise’ it by invoking ‘coalitions of the willing’, thereby extending institutions like the UN. In this sense, it was considered that coalition support was all that was needed for an action to be regarded multilateral.⁹⁷ Therefore, the Bush administration did not categorically rule out multilateralism, but it also considered “à la carte multilateralism”⁹⁸, involving building ad-hoc coalitions of the willing, in the event when unilateral action was impossible or ill-advised.

In Bush’s eyes, multilateralism and the UN had to be effective, but the US alone had to be the judge of this fact. If this was not the case, the US would reserve its right to go its own way.⁹⁹ Bush declared that “we want the UN to be effective and [...] successful. We want the Resolutions of the world’s most important multilateral body to be enforced.”¹⁰⁰ In this respect, from 2001 until the end of 2008 the UNSC adopted 524 Resolutions.¹⁰¹ Thirteen Resolutions came to a vote during this period and ten times the US casted a veto on the Resolutions.¹⁰² In the UN General Assembly, a slow but steady increase against US voting positions can be observed in the years of George W. Bush’s presidency. The average voting coincidence of all UN General Assembly members with US positions had an average of 25 per cent from 2001-2008. This was 32 per cent in 2001 and 26 percent at the end of 2008,¹⁰³ suggesting a decrease in US commitment for international consensus seeking and an increase in resistance to the US.

In relation to the debt owed by the US to the UN budget, in George W. Bush’s two terms in office, US arrears to the UN regular budget rose from late Clinton levels (approximately half of all UN regular budget debts) to over ninety percent of all UN regular budget debts.¹⁰⁴ The administration’s attitude toward the UN before 9/11 can be described as detached from the UN at best, or at worst, as Ted Galen Carpenter suggest-

⁹⁷ *United States’ National Security Strategy*, 2006, p. 3, available online at <http://georgewbush-whitehouse.archives.gov/nsc/nss/2006/>, accessed in June 2015.

⁹⁸ HAAS, Richard; quoted in SHANKER, Thom, “White House Says the US Is Not a Loner, Just Choosy”, in *The New York Times*, 31 July 2001, available online at <http://www.nytimes.com/2001/07/31/world/white-house-says-the-us-is-not-a-loner-just-choosy.html>, accessed in June 2015.

⁹⁹ BUSH, George W.; *op.cit.*, 1 December 2004, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=72844&st=&st1=>, accessed in June 2015.

¹⁰⁰ BUSH, George W.; *Address to the UN General Assembly*, New York City, 12 September 2002, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=64069&st=&st1=>, accessed in June 2015.

¹⁰¹ UN Security Council, *Statistics*, available online at <http://www.un.org/en/sc/documents/Resolutions/>, accessed in June 2015.

¹⁰² UN Security Council, *Veto List*, available online <http://research.un.org/en/docs/sc/quick/veto>, accessed in June 2015.

¹⁰³ Author’s compilation of data, based on the US Department of State’s Yearly Report; *Voting Practices in the United Nations*, available online at <http://www.state.gov/p/io/rls/rpt/index.htm>, accessed in June 2015.

¹⁰⁴ *Source*: Global Policy Forum, *US Regular Budget Debt vs. Regular Budget Debt of All Member States: 1971-2008*, available online at <https://www.globalpolicy.org/un-finance/tables-and-charts-on-un-finance/the-un-regular-budget/27479.html>, accessed in June 2015.

ed, they “barely tolerated the United Nations.”¹⁰⁵ After 9/11, this attitude seemed to shift to a greater emphasis on UN participation.¹⁰⁶

As far as committing resources to the UN was concerned, while the Helms-Biden agreement of 1999 paved the way for substantial payments of US arrears during the late 1990s, the US increased its accumulated debt to the UN during the era of the Bush administration.¹⁰⁷ In fact, Congress passed legislation increasing the peacekeeping limit and consenting the US to pay its peacekeeping debts between 2001 and 2004, but it failed to do so between 2005 and 2007, resulting in an additional debt to UN peacekeeping, despite the administration’s support for the formation of new missions in places like Cote d’Ivoire, Liberia, Haiti, Sudan, and Darfur.¹⁰⁸ In Bush’s view, before 9/11 UN peacekeeping had been a useful instrument in protecting America’s interest and had helped ensure that other nations shared the risks and costs with the US of maintaining international stability.¹⁰⁹ Therefore, in the administration’s view, under the right circumstances, peacekeeping was to remain a viable option for dealing with international conflicts. After 9/11, this policy remained unchanged, with the exception that American engagement in PKOs should be based on the assumptions that other nations shared the burdens of maintaining international stability, considering peacekeeping policies with realistic mandates and appropriately sized missions.¹¹⁰ In the administration’s understanding, PKOs had to be in line with America’s strategic interests and correspond to the view of effective multilateralism.¹¹¹ This resulted in a significant decrease in US troops’ participation in UN peacekeeping missions, as Figure 5 illustrates. In contrast, however, US funding for peacekeeping missions was increased under Bush’s terms from 1.3 billion US Dollars (USD) to 2.2 billion USD in 2008.¹¹²

¹⁰⁵ GALEN CARPENTER, Ted; Quoted in NICHOLS, Bill; “Tension Returns to US Relationship with UN”, in *USA TODAY*, 10 September 2001, available online at <http://usatoday30.usatoday.com/news/washdc/sept01/2001-09-11-united-nations.htm>, accessed in June 2015.

¹⁰⁶ TRAUB, James; “Who Needs the UN Security Council”, in *The New York Times Magazine*, 17 November 2002, available online at <http://www.nytimes.com/2002/11/17/magazine/17UNITED.html>, accessed in June 2015.

¹⁰⁷ Global Policy Forum, *Information on the Helms-Biden “Package” for UN Funding*, available online at <https://www.globalpolicy.org/component/content/article/224/27209.html>, accessed in June 2015.

¹⁰⁸ BONGANG, Benn L.; *The US and the UN: Congressional Funding and UN Reform*, LFB Scholarly Publications, El Paso, 2007, p. 9.

¹⁰⁹ BUSH, George W.; *Letter to Congressional Leaders Transmitting a Report on Peacekeeping*, 8 May 2001, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=45593&st=peacekeeping&st1=>, accessed in July 2015.

¹¹⁰ BUSH, George W.; *Letter to Congressional Leaders Transmitting a Report on Peacekeeping Operations*, 1 July 2003, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=63305&st=peacekeeping&st1=>, accessed in July 2015.

¹¹¹ BLANCHFIELD, Luisa; *UN Reform: Background and Issues for Congress*, 15 May 2015, p.9, available online at <https://fas.org/sgp/crs/row/RL33848.pdf>, accessed in July 2015.

¹¹² BUSH, George W.; *op.cit.*, 1 July 2003, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=63305&st=peacekeeping&st1=>, accessed in July 2015.

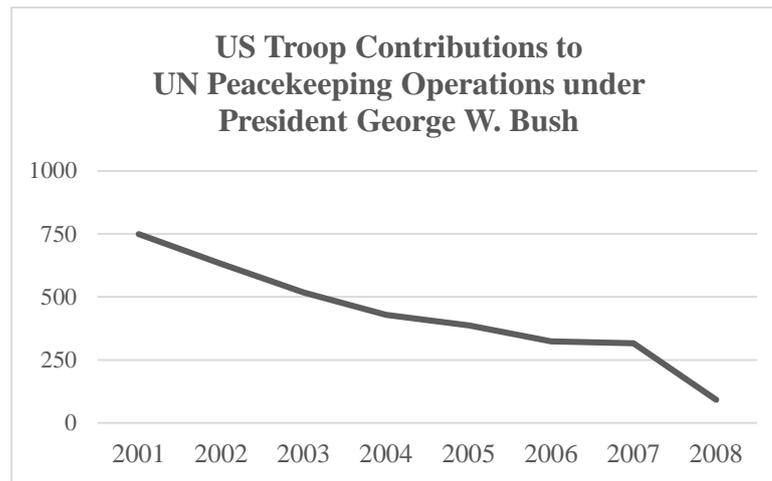


Figure 5 - US Troop Contributions to UN Peacekeeping Operations under President George W. Bush¹¹³

This evolution reflected the general view in the Bush administration that the UN should be reformed, identifying several key priorities that it believed would help the UN improve its effectiveness.¹¹⁴

As a result, the Bush administration's commitment for multilateralism was a flexible approach based on its National Security Strategy of 2002 focussing America's commitment to multilateral institutions only insofar as they did not deter the US from taking actions against terrorism and/or rogue states. As such, multilateralism was only considered useful when it was effective, by achieving measurable and long-lasting results. The concept of 'coalitions of the willing' was created, in which multilateralism was understood as the creation of ad-hoc coalitions, which suited both America's interests and its strategic objectives.

With respect to the use of force abroad, in Afghanistan in the wake of the 9/11 attacks, various leaders of the world expressed their sympathy with the Bush administration to revenge the attacks on its soil.¹¹⁵ As described in Chapter 4.3, America's initial justification for the war in Afghanistan had gained much support internationally, as self-defence was considered a viable reason for intervening in Afghanistan. Thus, the UNSC recognized the pertinence of individual and collective self-defence against challenges to sovereignty by a non-state party, in a series of Resolutions¹¹⁶, which were

¹¹³ Own Compilation with Data from BROWNE, Marjorie Ann; *op.cit.*, 11 February 2011, p. 43, available online at <http://fas.org/sgp/crs/row/RL33700.pdf>, accessed in July 2015.

¹¹⁴ BLANCHFIELD, Luisa; *op.cit.*, 15 May 2015, p.9, available online at <https://fas.org/sgp/crs/row/RL33848.pdf>, accessed in July 2015.

¹¹⁵ BLAIR, Tony; Quoted in WHITE, Michael; WINTOUR, Patrick; "Blair calls for world fight against terror", in *The Guardian*, 12 September 2001, available online at <http://www.theguardian.com/politics/2001/sep/12/uk.september11>, accessed in July 2015. / Quoted from *The New York Times*, "Reactions from around the World", 12 September 2001, available online at <http://www.nytimes.com/2001/09/12/us/reaction-from-around-the-world.html>, accessed in July 2015.

¹¹⁶ In particular UN Security Council Resolutions 1378, 1383, 1386, 1401. *Source*: UN Security Council, available online at <http://www.un.org/en/sc/documents/Resolutions/>, accessed in July 2015.

adopted unanimously, though there was no unambiguous authorisation under UN Charter Chapter VII for the coalition to perform military actions. The debates within the UN paving the way to the Resolutions demonstrated that UN countries supported the state-building and reconstruction mission in Afghanistan.¹¹⁷ Specifically, the military operations that started in October 2001 were considered ‘legitimate’ by the EU.¹¹⁸

After the military victory by the US-led coalition, the Bush administration decided to include the UN in the post-war phase. Under UN leadership, Afghan political leaders met in Bonn and committed themselves to the so-called “Bonn Agreement” in December 2001, which was later endorsed by UNSC Resolution 1383.¹¹⁹ Based on this successful process, the UN established the UN Assistance Mission in Afghanistan (UNAMA)¹²⁰ and created ISAF.¹²¹ A series of international conferences followed the Bonn Process,¹²² based on an international consensus recognising the necessity of the Afghan mission to prevent terrorism and to state building in a failed state like Afghanistan. This was stressed both by the UN¹²³ and NATO, the latter stating that the main purpose of ISAF was to prevent Afghanistan from reverting to ungoverned space which could harbour terrorism, to build security and government institutions while also supporting counter-narcotics operations.¹²⁴

Thus, even though there had been broad international criticism about the Bush doctrine, many members of the international community shared its conception of the historic occasion to change Afghanistan, by ending the succession of wars in that country, thereby making it a fully accepted member of the international community. This consensus however broke down soon, after diverging views appeared between the US and Europe on the nature of the mission. Europeans stressed that the objective of the mission was reconstruction and peace building, whereas the US argued that it was aimed at preventing terrorism. As soon as the US deviated both its resources and its

¹¹⁷ UN Security Council, *Resumption 1, 4414th Meeting*, 13 November 2001, available online at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afgh%20S%20PV%204414%20RESUMPTION%201.pdf>, accessed in July 2015.

¹¹⁸ *Ibid.*, accessed in July 2015.

¹¹⁹ RUBIN, Barnett R.; HAMIDZADA, Humayun; *op.cit.*, pp. 8-25.

¹²⁰ *Ibid.*, pp. 8-25.

¹²¹ UN Security Council, *Resolution 1386*, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1386\(2001\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1386(2001)), accessed in July 2015.

¹²² These include the International Conference on Reconstruction Assistance for Afghanistan in January 2002 to coordinate financial and material support to reconstruction in Afghanistan; the London Conference of January 2006 to address the relevant security problems in Afghanistan and finally the Paris Conference of June 2006 to coordinate and improve the development aid to Afghanistan. *Source*: AYUB, Fatima; KOUVO, Sari; “Righting the course? Humanitarian intervention, the War on Terror and the future of Afghanistan”, in *International Affairs*, Volume 84, 2008, pp.641-657.

¹²³ The UN’s Secretary General’s Special Representative for Afghanistan, Ambassador Lakhdar Brahimi, stated that the foremost strategic objective of UN involvement in state building in Afghanistan was to prevent terrorism. *Source*: UN Security Council, *Resumption 1 - 4414th Meeting*, 13 November 2001, available online at <http://www.securitycouncilreport.org/atf/cf/%7B65BF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/Afgh%20S%20PV%204414%20RESUMPTION%201.pdf>, accessed in July 2015.

¹²⁴ UK House of Commons, Defense Committee; “The UK Deployment to Afghanistan”, *5th Report of Session 2005-2006*, available online at <http://www.publications.parliament.uk/pa/cm200506/cmselect/cmdfence/558/55805.htm>, accessed in July 2015.

attention to the war preparations for Iraq, international consensus had disappeared fully. The US had not contributed seriously to reconstruction and state building in Afghanistan and as soon as the security situation deteriorated due to counterinsurgency attacks, NATO and ISAF had considerable difficulty in both providing human, financial and material resources. Finally, the Bush administration's decision to shift the war effort to Iraq provoked strong international condemnation from those who argued that Iraq was unrelated in the pursuit of Al-Qaeda.¹²⁵

Regarding the US military intervention in Iraq, the US government postulated that Iraq was a threat to peace and security of the world, because of its WMD capability, as Chapter 4.3 highlighted. To attain an international consensus within the UNSC, the Bush administration tried both to achieve a new UNSC Resolution and to base the military intervention on the implementation of existing UNSC Resolutions, such as 678, 687 and 1441.¹²⁶ Yet, in both endeavours, the Bush administration failed because the other great powers in the UNSC did not consider that past UN Resolutions provided adequate authorisation for the renewed use of force against Iraq. Without a new Resolution, the intervention had to be considered illegal, as France argued:

The use of force would have such heavy consequences for the people, the region and international stability that it should be envisaged only as a last resort. [...] the use of force is not justified at this time.¹²⁷

Further, the Russian Federation stated that “force may be resorted to, but only when all other remedies have been exhausted. [...], we have not yet reached that point. I hope we will not reach that point.”¹²⁸

As Adam Roberts argued, opponents of the British-American position to attack Iraq did not provide detailed counterarguments to the central and strongest British-American justification for intervention i.e. that past UNSC Resolutions provided sufficient authorisation for intervention.¹²⁹ Rather, France, Germany, China and the Russian Federation, who were opposing the intervention, concentrated on the applicability of those Resolutions at the crisis at hand, namely that Iraq still possessed large quantities of WMD and that the UN inspection system installed by UNSC Resolution 1441 was

¹²⁵ HADAR, Leon T.; “The Real War on Terrorism is in Pakistan, not Iraq”, *Commentary CATO Institute*, Washington, D.C., 19 October 2003, available online at <http://www.cato.org/publications/commentary/real-war-terrorism-is-pakistan-not-iraq>, accessed in July 2015.

¹²⁶ RUBIN, Barnett R.; *op.cit.*, pp.19-21.

¹²⁷ VILLEPIN, Dominique de; Quoted in *UN Security Council Meeting Record 4707th Meeting*, 14 February 2003, p. 11, available online at http://www.un.org/en/ga/search/view_doc.asp?symbol=S/PV.4707, accessed in July 2015.

¹²⁸ IVANOV, Igor S.; Quoted in *Ibid.*, accessed in July 2015.

¹²⁹ ROBERTS, Adam; “Law and the Use of Force in Iraq”, in *Survival: Global Politics and Strategy*, Volume 45, Issue 2, 2003, p. 44.

ineffective.¹³⁰ Even America's partners in South America disagreed with its determination to go it alone.¹³¹ The drift between the traditional US allies and the US administration became most evident when US Secretary of State Powell stated that

Multilateralism cannot become an excuse for inaction [...] we continue to reserve our sovereign right to take military action against Iraq alone or in a coalition of the willing.¹³²

The preceding international debates about an international consensus regarding the necessity of a war in Iraq were divided and led to animosity between the US, Europe, Russia and China. Kagan wrote that:

It is time to stop pretending that Europeans and Americans share a common view of the world, [...] Americans are from Mars and Europeans from Venus: they agree on little and understand one another less and less.¹³³

This suggests that the Bush administration was only slightly committed to multilateralism, consensual decision-making and to the UN. The administration's commitment for multilateralism was a flexible approach based on its National Security Strategy reflecting America's vow to multilateral institutions only insofar as they did not prevent the US from taking actions against terrorism and/or rogue states. As such, multilateralism was only considered useful when it was effective, the administration defined the concept of 'coalitions of the willing', in which multilateralism was understood as the creation of ad-hoc coalitions, which suited both America's interests and its strategic objectives. Further, international consensus was only used as a means of last resort to legitimate the use of military force. This flexible commitment to this element was also condemned by international society, as it was alarmed by America's determination to execute its doctrine of pre-emption to Iraq, viewing it as an abuse of US power, which other members of the international community simply could not surpass. In this respect, however, international society was also troubled by America's inability and ineffectiveness in stabilising and reconstructing a post-war Iraq. Thus, the search for an international consensus and the role of both international law and the UNSC were important both as a vehicle to condemn the Iraqi intervention and as a means to mediate a struggle for power between the US and other members of the international community. Afghanistan demonstrated that an international consensus prevailed only if the goals were reconstruction, state building as well as the prevention of future terrorism and all shared

¹³⁰ *Ibid.*, p. 44.

¹³¹ Quoted in ZAKARIA, Fareed; "The arrogant Empire", in *Newsweek*, 24 March 2003, p.29.

¹³² POWELL, Colin L.; *Remarks at World Economic Forum*, Davos, 26 January 2003, available online at <http://2001-2009.state.gov/secretary/former/powell/remarks/2003/16869.htm>, accessed in July 2015.

¹³³ KAGAN, Robert; *op.cit.*, 2004, p.3.

the commitment. As soon as the aim shifted to a pure anti-terror and counterinsurgency intervention, with reduced US military support, international consensus broke down, having the US as the hegemon bearing alone most of the costs of post-war stabilisation, debilitating its hegemonic credibility and finally also its capacity to act. The US administration preferred to build America's international order based mostly on the use of power, rather than on the greater power that comes from working with multilateral institutions and allies. As such, the Bush administration's use of military power was far less effective in building a lasting and internationally commonly shared basis for peace.

As a result, the investigation indicates that the framework's element of 'International Consensus' was slightly reflected in the Bush administration's foreign policy. US foreign policy under George W. Bush was also contested repeatedly by international society. The examination therefore implies that the Bush administration's foreign policy only slightly corresponded with the contents and the definition of 'International Consensus' of the framework.

4.5 International Society

The world during George W. Bush's presidency was characterised by a greater and deeper spread of globalisation and interconnectedness. The Bush administration did not actively involve the US in defining or influencing international society with strong global or regional initiatives. Rather, the rapid increase in trade stemming from globalisation, the complex interconnected financial ties and the rapid advance in communications technology was approached with scepticism by the administration. As Chapter 4.2 illustrated, the administration believed that globalisation was destabilizing the authority of individual states, with power going to non-state actors, resulting in a major reorganisation of international society. Only in trade did the Bush administration recognise the need for a global and free exchange of goods.¹³⁴ Else, the Bush administration subscribed to the understanding that states sought to advance their own interests and not the interests of what then presidential candidate's foreign policy advisor Condoleezza Rice called "an illusory international community"¹³⁵. In the administration's foreign policy, three examples in the fields of health, trade and development can be considered as hesitant attempts to influence international society.

¹³⁴ BUSH, George W.; Quoted in *The New York Times*, "In Bush's Words: 'Join Together in Making China a Normal Trading Partner'", 18 May 2000, available online at <http://www.nytimes.com/2000/05/18/world/in-bush-s-words-join-together-in-making-china-a-normal-trading-partner.html>, accessed in July 2015.

¹³⁵ RICE, Condoleezza; "Promoting the National Interest", in *Foreign Affairs*, Volume 79, January/February 2000, p. 62.

The first is Bush's personal commitment to prevent the spread of AIDS in Africa. As such, the President's Emergency Plan for AIDS Relief (PEPFAR) was launched, committing 1.5 billion USD, a sum substantially larger than that contributed by other nations or by previous US administrations.¹³⁶ Nowadays, the programme is admired universally as being effective in having saved millions of lives, as scholars like Mann highlighted.¹³⁷

The second example is the administration's firm commitment to open markets and to liberalise trade, through an ambitious free trade agenda.¹³⁸ It included launching successfully a new round of multilateral trade negotiations within the WTO, called the Doha round, which however failed by the end of Bush's terms mainly because the US and Europe were unable to address basic demands from developing countries.¹³⁹ Thus, the administration turned away from multilateral trade negotiations in favour of negotiating agreements with individual nations. Scholars like Irving M. Destler labelled this new strategy 'competitive liberalisation'¹⁴⁰ and described the US strategy to enter bilateral and regional trade agreements with 'willing' countries, equivalent to the strategy of the 'coalitions of the willing'. Specifically, these bilateral/regional agreements were aimed especially at Caribbean and South American countries, nations in the Middle East, as well as South Korea, Australia and Singapore.¹⁴¹ Of the greatest economic importance to the US was the FTAA, but the negotiations stalled in 2003.¹⁴² Due to this additional impasse, the US instead focused on the creation of the Central America Free Trade Agreement (CAFTA), including all countries in Southern and Central America but Brazil and Mexico, the latter already being part of NAFTA. CAFTA was adopted by Congress in July 2005.¹⁴³ The Bush administration also launched a ten-year effort to form a US – Middle East Free Trade Area, to project, as Mike Allen and Karen Deyoung have described, 'soft power' in the Middle East to supplement the wars in

¹³⁶ DIETRICH, John W.; "The Politics of PEPFAR: The President's Emergency Plan for AIDS Relief", in *Ethics & International Affairs*, Volume 21, Issue 3, pages 277–292, Fall 2007, available online at http://www.carnegiecouncil.org/publications/journal/21_3/essay/001.html/res/id=sa_File1/D, accessed in July 2015. / BUSH, George W.; *Address before a Joint Session of the Congress on the State of the Union*, Washington D.C., 28 January 2003, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=29645&st=AIDS&st1=>, accessed in July 2015.

¹³⁷ MANN, James; *op.cit.*, 2015, p. 140.

¹³⁸ The White House, *The President's 2001 International Trade Agenda*, 10 May 2001, available online at <https://georgewbush-whitehouse.archives.gov/news/releases/2001/05/20010511.html>, accessed in July 2015.

¹³⁹ DESTLER, Irving M.; *American Trade Politics*, 4th Edition, Institute for International Economics, Washington D.C., 2005.

¹⁴⁰ *Ibid.*, p.34.

¹⁴¹ WROE, Andrew; HERBERT, Jon; *Assessing the George W. Bush Presidency: A Tale of Two Terms*, Edinburgh University Press, Edinburgh, 2009, p. 137-141.

¹⁴² LINDSEY, Brink; "Americas: The Miami Fizzle-What else but Cancun Redux?", in *The Wall Street Journal*, 28 November 2003, available online at <http://www.cato.org/publications/commentary/miami-fizzle-what-else-cancun-redux>, accessed in July 2015.

¹⁴³ WROE, Andrew; HERBERT, Jon; *op.cit.* p. 140.

Afghanistan and Iraq.¹⁴⁴ Most of the bilateral agreements however did not pass ratification by Congress because after the 2006 mid-term elections Democrats were in the majority. Finally, the Bush administration also raised the tariffs on steel imports unilaterally in 2002. This however, only had the affected countries file a complaint at the WTO, which found that the American measures were inconsistent with the international rules governing the international trade system.¹⁴⁵ The ruling of the WTO managed what no other country or multilateral institution had achieved so far: impeding the Bush administration in unilaterally achieving its major interests, as David E. Sanger identified.¹⁴⁶

The third example in influencing international society refers to the president's determination to drastically increase US foreign aid by 50 percent, providing 5 billion USD a year in the 'Millennium Challenge Account (MCA)' to countries that are

Ruling justly, investing in their people and establishing economic freedom. [...] The goal of the Millennium Challenge Account initiative is to reduce poverty by significantly increasing economic growth in recipient countries through a variety of targeted investments.¹⁴⁷

The MCA promised to bring about the most significant change to US foreign assistance policy since former US President John F. Kennedy introduced the Peace Corps and the US Agency for International Development (US AID) in the early 1960s.¹⁴⁸ This initiative, however, lacked a clear strategy and was limited to a small number of countries.¹⁴⁹

The George W. Bush administration was averse to accepting common international rules and obligations. Apart from signing some bilateral and regional free trade agreements and expanding the cooperation with Russia, which left the US unconstrained, the US administration did not subject the US to any significant new international treaty. The philosophy of the administration was acting as if the world had entered a post-diplomatic phase, as the US Ambassador to the UN in New York, John Bolton described:

¹⁴⁴ ALLEN, Mike; DEYOUNG, Karen; "Bush calls Trade Key to Mideast", in *The Washington Post*, 10 May 2003, available online at <http://www.washingtonpost.com/archive/politics/2003/05/10/bush-calls-trade-key-to-mideast/bc4d41ae-bee1-4b07-87a7-1fac7d5f1304/>, accessed in July 2015.

¹⁴⁵ WROE, Andrew; HERBERT, Jon; *op.cit.*, p. 137.

¹⁴⁶ SANGER, David E.; "A Blink from the Bush Administration", in *The New York Times*, 5 December 2003 available online at <http://www.nytimes.com/2003/12/05/us/a-blink-from-the-bush-administration.html>, accessed in July 2015.

¹⁴⁷ BUSH, George W.; *Message to the Congress Transmitting Proposed Legislation To Establish the Millennium Challenge Account and the Millennium Challenge Corporation*, 5 February 2003, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=190&st=ruling+justly&st1=>, accessed in July 2015.

¹⁴⁸ John F. Kennedy Presidential Library, *Peace Corps*, available online at <https://www.jfklibrary.org/JFK/JFK-in-History/Peace-Corps.aspx>, accessed in July 2015.

¹⁴⁹ RADELET, Steven; "Bush and Foreign Aid", in *Foreign Affairs*, Vol. 82, No. 5, Sep. - Oct., 2003, p. 114.

It is a big mistake for us to grant any validity to international law even when it may seem to be in our short-term interest to do so, because over the long term, the goal of those who think that international law really means anything are those who want to constrict the US.¹⁵⁰

Accordingly, the following three examples highlight that the Bush administration purposely withdrew from international agreements:

The first example is the case of the Kyoto Protocol. Even though Clinton had signed the Protocol, Congress had long failed to ratify it. As a result, Bush denounced it and withdrew the US from it, declaring that “I oppose the Kyoto Protocol because it exempts 80 percent of the world, [...] from compliance and would cause serious harm to the US economy.”¹⁵¹

The second example refers to the ICC. Bush not only unsigned the treaty but also openly threatened to veto UN peacekeeping missions unless US soldiers participating in it were expressly discharged from the ICC’s jurisdiction.¹⁵² Consequently, the administration forced countries to sign bilateral agreements to forbid the prosecution of American soldiers.¹⁵³

The Bush administration’s firm opposition to the CTBT is the third example. In November 2001, the Bush administration boycotted a UN conference convened to boost international support for the CTBT. Bush opposed the treaty because it

Does not stop proliferation, especially to renegade regimes. It is not verifiable. It is not enforceable. [...] It offers only words and false hopes and high intentions with no guarantee whatsoever. [...] We can fight the spread of nuclear weapons, but we cannot wish them away with unwise treaties.¹⁵⁴

As Daryl G. Kymball illustrated, the administration’s CTBT boycott “fits a pattern of unilateralist no engagement that is becoming the hallmark of the Bush administration.”¹⁵⁵ Bush also withdrew from the Anti-Ballistic Missile (ABM) Treaty, but launched diplomatic negotiations with Russia, which resulted in the 2002 Moscow

¹⁵⁰ Quoted in POWER, Samantha; “Boltonism”, in *The New Yorker*, 21 March 2005, available online at <http://www.newyorker.com/magazine/2005/03/21/boltonism>, accessed in July 2015.

¹⁵¹ BUSH, George W.; *Letter to Senators Hagel, Helms, Craig, and Roberts*, 13 March 2001, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/03/20010314.html>, accessed in July 2015.

¹⁵² See for example NEGROPONTE, John D.; *Remarks at stakeout following UN Security Council vote on Resolution 1422*, 12 July 2002, New York, available online at http://www.amicc.org/docs/Negroponte_1422.pdf, accessed in July 2015.

¹⁵³ PROSPER, Pierre-Richard; US Ambassador-at-Large for War Crimes Issues, *Remarks to the Simon Bond International Wannsee Seminar*, 9 July 2002, available online at http://www.amicc.org/docs/Prosper7_2002.pdf, accessed in July 2015.

¹⁵⁴ BUSH, George W.; *A Distinctively American Internationalism*, 19 November 1999, available online at <http://fas.org/news/usa/1999/11/991119-bush-foreignpolicy.htm>, accessed in July 2015.

¹⁵⁵ KYMBALL, Daryl G.; “CTBT Rogue State?”, in *Arms Control Today*, 1 December 2001, available online at http://www.armscontrol.org/act/2001_12/ctbtanalysisdec01, accessed in July 2015.

Treaty, which however did not require the two countries to destroy any weapons.¹⁵⁶ The Bush administration was criticised for these withdrawals:

By knocking off several of the hard-earned, high-profile treaties on arms control and the environment, Mr. Bush has been subjected to outrage from some of America's closest friends - who wonder what will replace a world ordered by treaties - as well as its adversaries who see arrogance in Mr. Bush's actions.¹⁵⁷

This suggests that the US under Bush was only weakly committed to this element, because it only limitedly accepted and tolerated the composition of international society. The administration targeted the advancement of US interests by discarding constraints on its freedom of action. In the view of the Bush administration, the benefits of flexibility compensated the diplomatic costs of declining to contribute in international agreements that were supported by friends and allies. Thus, the administration rejected the understanding that committing words to paper would create international norms adept of influencing state behaviour. In its view, international agreements only constrained the US and other respectable countries, not rogue states determined to damage American interests. The George W. Bush administration also only selectively engaged in shaping and influencing international society with the means of its foreign policy. This was especially in the field of trade, where at the beginning the administration engaged in a great number of free trade initiatives, which however, failed to progress on the multilateral level and other relatively ambitious regional initiatives did not materialise by 2008. In the development field, the administration pointed to a new rationale for foreign assistance in the post 9/11 world, thereby facilitating the ambition to project 'soft power' to complement and compensate America's use of military power. America's lack of commitment to this element was condemned by international society, as can be seen with the widespread denunciation when the US withdrew from various international treaties. The international community perceived this fact as disrespecting fundamental international rules and obligations. This resulted in the problematic international perception that the administration acted as if the US was law unto itself, using a 'pick and choose' strategy, as John Feffer concluded:

A key aspect of this unilateralist policy has been an utter disregard and disrespect for international law. [...] The Bush administration's post 9/11 policy has thus far been characterised by its constant refusal to be bound by the restraining norms of international law, a refusal that strikes at the heart of multilateralism.

¹⁵⁶ White House, *US Withdraws from ABM Treaty*, 13 December 2001, available online at <http://georgewbush-whitehouse.archives.gov/news/releases/2001/12/20011213-2.html>, accessed in July 2015.

¹⁵⁷ SHANKER, Thom; *op.cit.*, 31 July 2001, available online at <http://www.nytimes.com/2001/07/31/world/white-house-says-the-us-is-not-a-loner-just-choosy.html?pagewanted=1>, accessed in July 2015.

The administration's policy has been termed 'à la carte multilateralism', which means we pick and choose when we want to act multilaterally and act unilaterally when it suits our interests.¹⁵⁸

Hence, the element of 'International Society' was only weakly reflected in the foreign policy of the Bush administration. This reveals that there was a lack of American commitment to this USIL element. Thus, this indicates that the Bush administration's foreign policy only weakly corresponded to the contents and the definition of 'International Society' of the framework.

4.6 Conclusion

The thesis' framework explains that the George W. Bush foreign policy can only be considered weakly legitimate, because it only reflected three of the framework's elements very weakly in its foreign policy, i.e. 'International Values and Norms', 'International Consensus' and 'International Society'. As the previous Chapters illustrated, during the Bush I presidency and the Clinton terms US foreign policy was characterized by several of the framework's elements. While under George H. W. Bush US foreign policy consisted mostly in America's commitment for a stable international order; its influence for a new world order where the US and Russia would cooperate peacefully, as well as America's involvement in the strengthening of the UN to allow for international consensus to emerge; under Clinton US foreign policy was characterised by realizing international consensus, respecting the commonly shared international norms and values of the time and contributing to solutions to regional or global problems. The thesis framework reveals that the weak expression of USIL in George W. Bush's foreign policy may explain why scholars and international society have condemned the lack of USIL in the Bush foreign policy, as the Chapter illustrated. This resulted that in Iraq, the lack of USIL acted as constraint on US hegemonic power by encouraging the international community to strive against America's major foreign policy objectives. Finally, it became clear to the administration that even hegemonic states like the US have limits in their capacity to bear the costs of maintaining international order alone. Scholars such as Ikenberry declare that Bush's foreign policy drove the US into a deep crisis of international legitimacy, and America's image abroad was damaged.¹⁵⁹

The analysis illustrated that the US under Bush drove away from the established leadership model that had existed during the post-Cold War era of America as benign

¹⁵⁸ FEFFER, John; *Power Trip: US Unilateralism and Global Strategy after September 11*, Seven Stories Press, New York, 2003, p. 75.

¹⁵⁹ IKENBERRY, G. John; *op.cit.*, 2005, p. 137.

hegemon, by embarking on the War on Terror. The Bush administration's foreign policy actions undermined the foundations of America's leadership role and the international institutions through which it was used to legitimately act as global leader. This development led scholars such as Brzezinski state that George W. Bush's stress on the US's immense power and its willingness to use it unilaterally wherever it seemed adequate led to a questioning of the legitimacy of US power.¹⁶⁰

This Chapter highlights that the Bush administration lacked the understanding that in the post-Cold War and post 9/11 era, hegemonic power should be exercised in an international society with a developed sense of common interest in a stable international order and pledged to shared values about regulating the use of force and its appropriate use on behalf of the whole of international society. As the War in Iraq showed, legitimacy was important to influence international society in deciding the followership of the hegemon in the attainment of its objectives. Ultimately, therefore, the administration neglected legitimacy as form of power.

Thus, in the years of George W. Bush's presidency, both the hegemonic values in US foreign policy and America's disrespect of international norms led to an unfavourable view of the US, its president and its foreign policy abroad.¹⁶¹ For the Bush administration, multilateralism was only considered useful when it was effective. The concept of 'coalitions of the willing' was created, in which multilateralism was understood as the creation of ad-hoc coalitions, which suited especially America's interests. Thereby, US foreign policy damaged the global understanding, which existed during the Cold War that multilateral institutions had been "America's secret empire"¹⁶². The US under Bush slightly tried to influence the framework of international society. Finally, the administration was criticised for its withdrawals of various international agreements.

In applying the FRC approach, the thesis was able to show that the expression of the various USIL elements during the foreign policy of the 43rd US President was different in the two terms. In the first term all but the element of 'International Order', which was not reflected, were only very weakly considered, as the Chapter illustrated. This tendency however changed during the second term, as the administration acknowledged a greater importance for following the rules of the UN Charter governing the use

¹⁶⁰ BRZEZINSKI, Zbigniew; in GORDON, Michael G.; "Serving Notice of a New US, Poised to Hit First and Alone", in *The New York Times*, 27 January 2003, available online at <http://www.nytimes.com/2003/01/27/world/threats-responses-strategy-serving-notice-new-us-poised-hit-first-alone.html>, accessed in May 2015.

¹⁶¹ Pew Research Center, *op.cit.* 18 December 2008, available online at <http://www.pewglobal.org/2008/12/18/global-public-opinion-in-the-bush-years-2001-2008/>, accessed in February 2018.

¹⁶² EMMOT, Bill; "A Survey of America's World Role", in *The Economist*, 29 June 2002, p.29.

of force, seeking international consensus or at least allies' support for its actions as well as recognising the lack of legitimacy and the resulting problems related to both the Afghanistan and Iraq interventions. As a result, the consideration of USIL in Bush's foreign policy experienced a significant variation in the two terms. These shifting phases can be observed especially with regard to the USIL element of 'International Consensus': while pre-9/11 the Bush administration mostly favoured unilateralism, as this Chapter highlighted, this attitude changed to a re-stressing of multilateralism directly after the 9/11 attacks. This evolved again into an increasingly unilateral tendency of the US administration just before and after the invasion of Iraq. The intervention was perceived to having been taken unilaterally by the US, as it had not been able to get a multilateral approval by the UNSC. The resulting loss of legitimacy of the Iraqi invasion and the 2nd presidential term of the administration however witnessed a re-commitment to multilateralism, as the Chapter illustrated. The increase in reflection of the various USIL elements in US foreign policy in the second term was however not able to compensate the lack of legitimacy that US foreign policy experienced during the first term of the Bush presidency.

So, the thesis' framework explains that the George W. Bush administration's foreign policy can be considered weakly legitimate (see Table 10), because it only weakly or slightly corresponded to and met three of the framework's elements. This is a finding that challenges a large number of scholars in the literature¹⁶³, because most of the authors saw the George W. Bush foreign policy as generally illegitimate. The thesis however shows that for a foreign policy to be considered illegitimate, none of the framework's elements should have been present in US foreign policy. The weak expression of legitimacy in the Bush foreign policy and the two wars of the administration however created "a crisis in legitimacy of US global leadership."¹⁶⁴ Even though the US under Bush was able to confirm its status as only remaining global superpower, America's image abroad was damaged. The task of the incoming president was to heal national as well as international offences fast, if he did not want to risk a social disintegration at home or a geopolitical chaos abroad. The cause of this adversity had its roots in the decision-making process and the final intervention in Iraq of 2003 as Ikenberry explains: the Iraq War was "a strategic blunder of epic proportions, among the most seri-

¹⁶³ Amongst others, Brzezinski (2003, 2007), Charlesworth and Coicaud (2009), Clark (2005), Daalder (2005), Egerton and Keating (2009), Ikenberry (2002), Ischinger (2007), Lee (2010), Lindsay (2011), Parmar *et al.* (2014), Tucker and Hendrickson (2004), Walt (2005).

¹⁶⁴ LEE, Lavina R.; *op.cit.*, 2010, Position 3348.

ous in modern American history.”¹⁶⁵ The Obama election of 2008 was a popular demonstration for change after the Bush years, as Philip John Davies illustrated.¹⁶⁶ Ultimately, George W. Bush handed over to Barack H. Obama a challenging foreign policy legacy, as James M. Lindsay illustrates:

September 11 redefined US foreign policy. George W. Bush believed that the attacks provided a new orientating principle for US foreign policy and mandated an aggressive US response. [...] Bush’s War on Terror ultimately showed the limits of American power and saddled his successor with a raft of messy foreign policy problems.¹⁶⁷

¹⁶⁵ IKENBERRY, G. John; *The Crisis of American Foreign Policy: Wilsonianism in the 21st Century*; Princeton University Press, Princeton, 2011, p.115.

¹⁶⁶ DAVIES, Philip John; “Bush’s Partisan Legacy and the 2008 Elections”, in MORGAN, Iwan; DAVIES, Philip John (eds.); *op.cit.*, 2010, p. 219.

¹⁶⁷ LINDSAY, James M.; “George W. Bush, Barack Obama and the future of US global leadership”, in *International Affairs*, 2011, p. 778.

THEESIS' FRAMEWORK FOR THE ANALYSIS OF USIL IN TE POST-COLD WAR ERA: Analytical Perspective: dynamic, evolutionary, based on the FRC approach	CONTENTS AND DIMENSIONS OF THE USIL ELEMENTS BASED ON TABLE 7	Foreign Policy of the George H. W. Bush administration	Foreign Policy of the William J. Clinton administration	Foreign Policy of the George W. Bush administration
	INTERNATIONAL VALUES AND NORMS (<i>Substantive</i>)			
	INTERNATIONAL ORDER (<i>Procedural</i>)			
	INTERNATIONAL CONSENSUS (<i>Procedural</i>)			
	INTERNATIONAL SOCIETY (-)			
	RESULT OF THE ASSESSMENT OF US INTERNATIONAL LEGITIMACY BASED ON THE SCALES IN TABLE 5 AND 6 (ACADEMIC/SCHOLARLY JUDGMENT):	MOSTLY LEGITIMATE	PARTIALLY LEGITIMATE	WEAKLY LEGITIMATE

Table 10 - Matrix for the assessment of USIL in the George W. Bush administration's foreign policy

5. THE BARACK H. OBAMA PRESIDENCY, 2009-2017

5.1 Introduction

After the 2008 US presidential elections scholars like Timothy J. Lynch anticipated that the simple fact that the George W. Bush administration along with the neoconservatives were leaving the Oval Office would initiate the abandonment of Bush's foreign policy and serve as a tool to reset USIL.¹ Barack H. Obama and his team incorporated a foreign policy that can best be described as non-ideological, experienced, progressive and prudent², as well as driven by a realistic sense of an overall understanding of America's role in the world in the early 21st century.³ Obama's electoral success was also based on domestic politics, by subsequently enacting sweeping progressive domestic reforms, like for example the so called 'Obamacare'⁴, the biggest reform in US health care since the adoption of Medicare and Medicaid in 1965. Essentially, Obama's unique global identity and fresh-faced style of governing had scholars like Giles Scott-Smith assert that Obama reconfirmed America's strong role in the world as well as restored America's image abroad.⁵ In 2009, only 49% of the world had a favourable view of the US while in 2016 this number increased to 62%.⁶

The thesis' framework explains that the Obama foreign policy can be considered as mostly legitimate, because three of the framework's elements were mostly reflected in and met by the Obama administration's foreign policy. Also, US foreign policy was not severely contested by international society but with the exception of the drone strikes policy or the non-intervention in Syria. The element of 'International Values and Norms' was mostly reflected in the administration's foreign policy values, which were characterised by combining a hard-power and soft-power strategy, called by scholars a new sort of 'liberal realism'⁷. 'International Order' was also mostly mirrored in the administration's foreign policy, however only when threats did not directly affect America's security. 'International Consensus' was also mostly reflected and prominent in the

¹ LYNCH, Timothy J.; „Did Bush Pursue a Neoconservative Foreign Policy?“, in MORGAN, Iwan W, DAVIES, Philip. J. (eds.); *op.cit.*, 2010, p. 121.

² INDYK, Martin S.; LIEBERTHAL, Kenneth G.; O'HANLON, Michael E.; *Bending History: Barack Obama's Foreign Policy*, Brookings Institution, Washington D.C., 2012, p. 264.

³ *Ibid.*, pp. 22, 264, 276.

⁴ 'Obamacare' is the colloquial name for the 'The Affordable Care Act (ACA)', officially called 'The Patient Protection and Affordable Care Act (PPACA)'. It is a US law that reforms both the healthcare and health insurance industries in America. The law aims at increasing the quality, availability, and affordability of private and public health insurance to over 44 million uninsured Americans. It was signed into law by President Obama in March 2010. *Source*: US Department of Health and Human Services, *Affordable Care Act*, available online at <http://www.hhs.gov/healthcare/about-the-law/index.html>, accessed in December 2015.

⁵ SCOTT-SMITH, Giles (ed.); *Obama, US Politics, and Transatlantic Relations*, Peter Lang S.A, Brussels, 2012, pp. 311-312.

⁶ *Source*: Pew Research Centre, *America's International Image*, 28 June 2016, available online at <http://www.pewglobal.org/2016/06/28/americas-international-image/>, accessed in January 2017.

⁷ NYE, Joseph S.(Jr.); *The Future of Power*, Public Affairs, New York, 2011, pp.229-231.

foreign policy of the Obama administration, as it was committed to a return to multilateralism after the Bush years. ‘International Society’ was only partially present in the administration’s foreign policy, as the administration tried to shape and influence international society variously, be it multilaterally with the Iran Nuclear Deal of July 2015 or the Climate Deal of December 2015, be it bilaterally with the improvement of US-Cuban relations. Still, the administration’s vague successes in binding the US to various international legal instruments weakened the expression of this element.

Thus, the thesis’ framework suggests that the foreign policy of the Obama administration can be considered legitimate, as it met most of its elements. The US under Obama was able to confirm its status as only remaining global superpower. Obama’s presidency further allowed the restoration of America’s image in the world. Still, it also illustrated the limits of America’s power and indicated that America could and would not be able anymore to be the indispensable superpower.

5.2 International Values and Norms

Obama was elected in 2008 because for most Americans he not only incorporated a new cosmopolitan generation, but also because he was the personification of the ‘un-Bush’, as various scholars like Jonathan Freedland claimed.⁸ While campaigning, Obama disavowed and condemned the extremes and the conservative values of the Bush administration’s foreign policy, especially the conduct of the War on Terror.⁹ He also promised that the US return to a benevolent and supportive foreign policy, based on America’s fundamental values and principles¹⁰, as he expressed in his famous ‘Yes we can’ speech of 2008.¹¹

With respect to the execution of US foreign policy, the Obama administration emphasised a multilateral new world with the US still in the lead but sharing more burdens and responsibilities with others, some sort of ‘instrumental multilateralism’,¹² consisting of five pillars¹³: first, the administration aimed at preventing an economic and

⁸ FREEDLAND, Jonathan; *op.cit.*, 11 March 2009, available online at <http://www.theguardian.com/commentisfree/2009/mar/11/barack-obama-doctrine-us-foreign-policy>, accessed in December 2015.

⁹ *The New York Times*, “Barack Obama’s New Hampshire Primary Speech”, New Hampshire, 8 January 2008, available online at http://www.nytimes.com/2008/01/08/us/politics/08text-obama.html?_r=0, accessed in December 2015

¹⁰ OBAMA, Barack H.; Quoted in, ASSOCIATED PRESS, “Obama names intel picks, vows no torture”, in *NBC News*, 1 September 2009, available online at http://www.nbcnews.com/id/28574408/ns/politics-white_house/t/obama-names-intel-picks-vows-no-torture/#.Vpz5jo1dGxI, accessed in January 2016.

¹¹ *The New York Times*, *op.cit.*, 8 January 2008, available online at http://www.nytimes.com/2008/01/08/us/politics/08text-obama.html?_r=0, accessed in December 2015.

¹² PATRICK, Stewart; “Global Governance Reform: An American View of US Leadership”, in *Policy Analysis Brief*, The Stanley Foundation, Muscatine IA, February 2010, p.2. / MUELLER, John; “Questing for Monsters to destroy”, in LEFFLER, Melvin P.; LEGRO, Jeffrey W. (eds.); *In Uncertain Times: American foreign policy after the fall of the Berlin Wall and 9/11*, Cornell University Press, Ithaca NY, 2011, pp.129-130.

¹³ Based on: INDYK, Martin S.; LIEBERTHAL, Kenneth G.; O’HANLON, Michael E.; *op.cit.*, pp. 11-13.

financial global meltdown while also protecting America's interest and the nation from security threats. Second, establishing a changed relationship with the large emerging powers in Asia. This meant treating China with the respect it deserved, while encouraging it to assume the responsibilities of such a role. Thirdly, Obama also supported a stronger and more integrated Europe.¹⁴ Fourth, the Obama administration was also committed to nuclear disarmament and non-proliferation, to "seek the peace and security of a world without nuclear weapons."¹⁵ The last pillar consisted in the determination to reconcile the US with the Muslim world, by finding a suitable exit strategy from America's engagement in two wars in the Middle East. This will for reconciliation was expressed by Obama in Cairo in 2009¹⁶, where he rejected the Bush administration's key foreign policy goal of democracy promotion, because in his view "elections alone do not make true democracy."¹⁷ Thus, the Obama administration was described by various scholars like Martin S. Indyk *et.al.* as following the line of a competent, non-ideological, progressive, humble and pragmatic foreign policy.¹⁸ In fact, in his Nobel Lecture in 2009, Obama explained that America's pragmatic goals, whether winning a war, or building enduring peace, could be attained only by respecting and defending freedom, law and human rights.¹⁹

Still, compared to George W. Bush's controversial War on Terror, scholars like Singh concluded that even though Obama had promised a radical shift in foreign policy, the 44th US president did not completely reject the 'Bush Doctrine' but rather executed it more expertly: examples for this include the relentless continuation of the War on Terror, to improving relations with Russia, to the strategic hedging over China and the careful embrace of regime change in the Middle East.²⁰ In particular, where vital US interests were at stake, the much-proclaimed transformative change was much less accentuated and merely cosmetic. According to Singh, this attitude to continuity can best be described as a "prudential blend of Jeffersonian realism²¹ and Wilsonian idealism."²²

¹⁴ OBAMA, Barack H.; *Remarks to the Parliament in London*, London, 25 May 2011, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=90446&st=&st1=>, accessed in December 2015.

¹⁵ OBAMA, Barack H.; *Remarks*, Prague, 5 April 2009, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=85963&st=&st1=>, accessed in December 2015.

¹⁶ OBAMA, Barack H.; *Remarks*, Cairo, 4 June 2009, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=86221&st=Cairo&st1=>, accessed in December 2015.

¹⁷ OBAMA, Barack H.; *Ibid.*, accessed in December 2015.

¹⁸ INDYK, Martin S.; LIEBERTHAL, Kenneth G.; O'HANLON, Martin E.; „Scoring Obama's foreign policy: a progressive pragmatist tries to bend history”, in *Foreign Affairs*, No. 91, May-June 2012, p. 29.

¹⁹ OBAMA, Barack H.; *Nobel Lecture*, Oslo, 10 December 2009, available online at http://www.nobelprize.org/nobel_prizes/peace/laureates/2009/obama-lecture_en.html, accessed in January 2016.

²⁰ SINGH, Robert S.; *op.cit.*, loc. 4525.

²¹ Jeffersonian Realists consider American liberty fragile. Their primary goal in foreign policy is to preserve democracy at home against external forces that might disrupt or destroy it and democracy in their view a weak and decentralized government along with controls on concentrations of economic power. They insist that foreign affairs be conducted in strict fealty to the US Constitution and at the lowest possible cost and risk. Interests should be defined narrowly and means kept limited: the US should "speak softly

The Obama administration's foreign policy also included a more conservative realism as a relentlessly pragmatic, cautious and adaptive approach to international affairs, very similar to the one of George H. W. Bush.²³ Scholars such as Adam Quinn note that "at one point or other the president has variously been characterized as a realist, a liberal international, an isolationist, a neo-conservative and an imperialist."²⁴ Scholars such as Nye argue that Obama may incorporate some new sort of realism, which can be called 'liberal realism' or 'smart-power strategy', combining America's hard power and the preservation of its national interests with the extensive use of America's soft power and diplomacy.²⁵ In this way, the Obama administration did not depart too strongly from the policies of its predecessor. By the end of Obama's first term, scholars such as Singh compared the 44th US president with Dwight D. Eisenhower, as Obama did not transform all his forerunner's policies into discernible change.²⁶ Further, Scholars like Miriam Pawel added that: "It is difficult to see how his presidency can be viewed as 'transformative' when so many of his policies represented a continuation of the past rather than a break."²⁷

Regarding international norms, in the administration's foreign policy, the norms of morality, legality and constitutionality were debated mostly in three cases: first, the use of drone strikes abroad; second, the continued validity and execution of the Pre-Emptive Strike Doctrine and finally the debate about intervening in the Syrian conflict.

In the first example Trevor McCrisken explained: "The heavy reliance on drone attacks raises all sorts of questions relating to legitimacy, morality, proportionality and accountability."²⁸ By September 2015, the Obama administration had ordered more than 450 drone strikes abroad especially in countries like Somalia, Yemen and Pakistan killing around 7'000 people approximately.²⁹ Obama himself explained that these 'targeted killings' were "a targeted, focused effort at people who are on a list of active terrorists

and carry the smallest possible stick" *Source of the quote*: MEAD; Walter Russell; *op.cit.*, p.192. *Source*: DEIBEL, Terry L.; *Foreign Affairs Strategy: Logic for American Statecraft*, Cambridge University Press, Cambridge, 2007, p. 87.

²² SINGH, Robert S.; *op.cit.*, loc. 4610.

²³ HOUNSHELL, Blake; "George H.W. Obama?", in *Foreign Policy*, 14 April 2010, available online at <http://foreignpolicy.com/2010/04/14/george-h-w-obama/>, accessed in December 2015.

²⁴ QUINN, Adam; "The Art of declining politely: Obama's prudent Presidency and the Waning of American Power", in *International Affairs*, No. 89 (4), 2011, p. 813.

²⁵ NYE, Joseph S. (Jr.); *op.cit.*, 2011, pp.229-231.

²⁶ SINGH, Robert; *op.cit.*, loc. 4532.

²⁷ PAWEL, Miriam; Quoted in *The New York Magazine*, *op. cit.*, 11 January 2015, available online at <http://nymag.com/daily/intelligencer/2015/01/53-historians-on-obamas-legacy.html#>, accessed in January 2016.

²⁸ MCCRISKEN, Trevor; "Ten years on: Obama's War on Terrorism in rhetoric and practice", in *International Affairs*, Volume 87, Issue 4, July 2011, p. 794.

²⁹ *Source*: The Bureau of Investigative Journalism, *Covert Drone War*, Articles and Data available online at <https://www.thebureauinvestigates.com/category/projects/drones/> and <https://www.thebureauinvestigates.com/2015/10/05/monthly-drone-report-total-drone-strikes-under-obama-in-pakistan-somalia-and-yemen-now-491-after-september-attacks/>, accessed in September 2017.

who are trying to go in and harm Americans.”³⁰ Obama further justified the use of drones by explaining that they were both lawful and effective:³¹ on the debate raised about legality, the Legal Advisor on the matter to the Obama administration, Harold H. Koh, justified the use of drone strikes by stating that their use complies with all applicable law, including the laws of war.³² The Obama administration was criticized because the drone operations were actually carried out by the CIA, whose operations are covert, as Philip Alston, UN Special Rapporteur on Extrajudicial, Summary or Arbitrary Execution argued: “Intelligence agencies, which by definition are determined to remain unaccountable except to their own paymasters, have no place in running programs that kill people in other countries.”³³ John O. Brennan, Assistant to the US president for Homeland Security and Counterterrorism, countered these critics by stating that the use of drone strikes was in accordance with domestic as well as international law.³⁴

Various international scholars, the media and Non-Governmental Organizations, as well as the UN contended that this US practice was illegal.³⁵ Nevertheless, experts like Alston acknowledged that drone strikes may be lawful in the limited context of armed conflict.³⁶ Further, the UN came to the conclusion that drone strikes in general violate human rights law.³⁷ The Obama administration was further condemned because America’s drone strikes also severely harmed civilians, thereby violating international humanitarian law, as Michael N. Schmitt explained.³⁸

Pertaining to ethics and morality, the views of scholars with regard to the use of drone strikes abroad are divided. Some scholars like Nils Melzer argue that the liberal state is absolutely prohibited from internationally killing a terrorist without affording

³⁰ Quoted in *The Telegraph*, “Barack Obama confirms drone strikes in Pakistan”, 31 January 2012, available online at <http://www.telegraph.co.uk/news/worldnews/barackobama/9051113/Barack-Obama-confirms-drone-strikes-in-Pakistan.html>, accessed in January 2016.

³¹ OBAMA, Barack H.; *Remarks at the National Defense University*, Washington D.C., 23 May 2013, available online at <https://www.whitehouse.gov/the-press-office/2013/05/23/remarks-president-national-defense-university>, accessed in January 2016.

³² KOH, Harold H.; “The Obama Administration and International Law”, *Annual Meeting of the American Society of International Law*, Washington, D.C., 25 March 2010, available online at <http://www.state.gov/s/l/releases/remarks/139119.htm>, accessed in January 2016.

³³ ALSTON, Philip; *Report of the Special Rapporteur on extrajudicial, summary or arbitrary executions*, UN General Assembly, Human Rights Council, 14th Session, 29 May 2010, available online at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>, accessed in January 2016, p. 26-27.

³⁴ BRENNAN, John O.; *Strengthening our Security by Adhering to our Values and Laws*, Remarks at Harvard Law School, Cambridge MA, 16 September 2011, available online at <https://www.whitehouse.gov/the-press-office/2011/09/16/remarks-john-o-brennan-strengthening-our-security-adhering-our-values-an>, accessed in January 2016.

³⁵ ALSTON, Philip; *op.cit.*, available online at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>, accessed in January 2016, p. 3.

³⁶ *Ibid.*, accessed in January 2016, p. 7.

³⁷ UN General Assembly, *Extrajudicial, summary or arbitrary executions*, 61st Session, 5 September 2006, Paragraphs 45-54, available online at http://www.extrajudicialexecutions.org/application/media/Report%20A_61_311.pdf, accessed in January 2016.

³⁸ SCHMITT, Michael N.; “Precision Attack and International Humanitarian Law”, in *International Review of the Red Cross*, No. 87, September 2005, p. 445. / As defined in the Geneva Conventions, Art. 1; AP I, Arts. 11, 85 (grave breaches), 87(3); Geneva Conventions I-IV, Articles 50/51/130/147 and in the UN Economic and Social Council Resolution 1989/65 of 24 May 1989.

him due process of law.³⁹ Others like Seumas Miller and Michael Gross state that the nature of the terrorist threat is such that the only rational and effective way of confronting it is to use the tools of war, because the ordinary tools of the criminal law are often inadequate.⁴⁰ Finally, scholars like Fernando R. Tésón explain that the terrorist threat justifies a departure from the prohibition of killing a terrorist with targeted killings, when killing this terrorist is necessary to avert a crime that is likely to kill many innocents, even if the crime is not imminent.⁴¹ Moreover, scholars like McCrisken and Mark Phythian criticise that it is usually largely unknown exactly who orders the targeted killings, what criteria are used for the decision and whether the merits of capturing rather than killing the targeted individuals were ever discussed.⁴²

Still, for the Obama administration, the targeted killings were considered ethical, because they minimized risks on all levels; the operatives conducting the attacks were safely located, while computer-guided targeting reduced the risk of adjacent buildings being damaged and civilians in the neighbourhoods being killed or injured.⁴³ Finally, the Obama administration's continued execution of the drone strikes policy was also criticised domestically by the Task Force on US Drone Policy⁴⁴, as it highlighted three boomerang effects for US national security: first, America's drones' policy may encourage other states to follow suit. Second, the resulting civilian casualties may anger whole communities, increase anti-US sentiment and become a potent recruiting tool for terrorist organizations. Finally, by executing targeted killings based on secret evidence and evaluation and with no means for anyone outside that process to appeal against it, the US sets a dangerous precedent that may be seized upon by other states.⁴⁵

The second example in the debate of international norms in the administration's foreign policy relates to the continuation of the execution of the 'Pre-Emptive Strike Doctrine', which was both criticised and accepted internationally. On the one hand, experts like Alston argued that using drones to pre-emptively kill terrorists was very dangerous, because such an interpretation of pre-emptive self-defence would 'cause chaos'

³⁹ MELZER, Nils; *Targeted Killing in International Law*, Oxford University Press, Oxford UK, 2009.

⁴⁰ See for example GROSS, Michael; *Moral Dilemmas of Modern War: Torture, Assassination and Blackmail in an Age of asymmetric Conflict*, Cambridge University Press, Cambridge, 2010, pp. 104-109. / MILLER, Seumas; *Terrorism and Counter-Terrorism: Ethics and Liberal Democracy*, Blackwell Publishing, Oxford, 2008, pp. 139-145.

⁴¹ TÉSON, Fernando R.; „Targeted Killings in War and Peace: A philosophical Analysis“, in FINKELSTEIN, Claire *et.al.* (eds.); *Targeted Killings – Law and Morality in an asymmetrical World*, Oxford University Press, Oxford, 2012, p. 482.

⁴² MCCRISKEN, Trevor; PHYTHIAN, Mark; „The offensive turn: US intelligence and the War on Terror“, in PARMAR, Inderjeet *et. al.* (eds.); *op.cit.*, loc. 6155.

⁴³ BRENNAN, John O.; *The Ethics and Efficacy of the President's Counterterrorism Strategy*, Remarks at the Wilson Center, Washington D.C., 30 April 2012, available online at <https://www.wilsoncenter.org/event/the-ethics-and-ethics-us-counterterrorism-strategy>, accessed in January 2016.

⁴⁴ ABIZAID, John P.; BROOKS, Rosa; *Recommendations and Report of the Task Force on US Drone Policy*, Stimson, Washington D.C., June 2014, pp. 10-14.

⁴⁵ *Ibid.*, pp. 10-14.

if invoked by other nations.⁴⁶ On the other hand, however, since the US National Security Strategy of 2002 had been adopted, the idea of pre-emptive action against plotters of an attack has been gaining growing international acceptance, as Peter Dombrowski and Rodger A. Payne observed.⁴⁷ Louis R. Beres adds that members of international society have come to realise that it may not be possible for a state to wait for threats to fully occur before an attack is planned.⁴⁸ In this regard, the UN declared that:

In the world of the 21st century, the international community does have to be concerned about nightmare scenarios combining terrorists, weapons of mass destruction, and irresponsible states [...], which may conceivably justify the use of force, not just reactively but preventively and before a latent threat becomes imminent.⁴⁹

Moreover, even other countries started to use the Pre-Emptive Strike Doctrine, as the attack by Colombia in March 2008 inside the sovereign territory of Ecuador and that by the Turkish military in Northern Iraq demonstrated.⁵⁰ These actions did not attract widespread condemnation from international society, as Sean D. Murphy illustrated and can therefore be regarded as international society's increased moral and legal acceptance of the Pre-Emptive Strike Doctrine, as executed by the US administration.⁵¹ The third example in the debate of international norms in the administration's foreign policy relates to the Obama administration's reticence to intervene in waging conflicts around the world, as well as its cautious stance to contain the spread of ISIS.

Regarding Syria, the Obama administration long hesitated to intervene. Even though the administration and other international leaders have openly declared that Syrian President Assad's forces 'flagrantly violated' international law governing the use of chemical weapons⁵², legal scholars like Murphy argue that there is no obvious provision in international law that would permit a US-led coalition to launch a limited military

⁴⁶ ALSTON, Philip; *op.cit.*, available online at <http://www2.ohchr.org/english/bodies/hrcouncil/docs/14session/A.HRC.14.24.Add6.pdf>, accessed in January 2016, p. 26-27.

⁴⁷ DOMBROWSKI, Peter; PAYNE, Rodger A.; "The emerging Consensus for preventive War", in *Survival*, 48:2, 2006, pp.115-136.

⁴⁸ BERES, Louis R.; "On Assassination, Preemption, and Counterterrorism: The View from International Law", in *International Journal of Intelligence and Counter Intelligence*, 21:4, 2008, p. 699.

⁴⁹ UN High-Level Panel on Threats, Challenges, and Change, 2004, quoted in DOMBROWSKI, Peter; PAYNE, Rodger A.; *op.cit.*, p.123.

⁵⁰ WAISBERG, Tatiana; "The Colombia-Ecuador Armed Crisis of March 2008: The Practice of Targeted Killing and Incursions against Non-State Actors Harbored at Terrorist Safe Havens in a Third Party State", in *Studies in Conflict & Terrorism*, Volume 32, Issue 6, 2009, p. 477, 482.

⁵¹ MURPHY, Sean D.; "The International Legality of US Military Cross-Border Operations from Afghanistan into Pakistan", in *International Law Studies*, US Naval War College, Vol. 84, 2009, pp.34-35.

⁵² UN General Assembly, Human Rights Council, *Report of the independent International Commission of Inquiry on the Syrian Arab Republic*, 5 February 2013, pp. 24-27, available online at <http://www.ohchr.org/EN/HRBodies/HRC/IICISyria/Pages/IndependentInternationalCommission.aspx>, accessed in January 2016.

offensive against Syria outside authorisation from the UNSC.⁵³ Indeed, Obama appeared to acknowledge the lack of legal basis for military action:

If the US goes in and attacks another country without a UN mandate and without clear evidence that can be presented, then there are questions in terms of whether international law supports it.⁵⁴

The Obama administration was confronted with the western dilemma about intervention in Syria. In fact, arguments spread about the justification, legality and legitimacy of a military attack, especially without UNSC approval, and about any attack's aims and effectiveness. International experts argued the moral reasons for intervention, basing themselves on the cases of Kosovo and Bosnia in the 1990s, conflicts labelled as 'humanitarian interventions', making NATO execute a certain 'Responsibility to Protect'⁵⁵. On the other hand, a military strike against Syria without the permission of the UNSC would be reminiscent of the George W. Bush era and the intervention would possibly create more damage than being effective.⁵⁶ Yet, America's 'wait and see' stance was criticised, because it reflected a lack of moral credibility of the West and NATO States and represented the Western decision to let the country burn, as James Snell highlighted.⁵⁷ The geopolitics associated with the Syrian crisis and the manner the UNSC mandate was stretched in the Libya intervention muted both Obama's determination and the international community's consensus to act in Syria, as Chapter 5.3 shows.

Thus, the analysis indicates that under Obama, US foreign policy was committed to the international shared values of the time, combining not only elements such as mutual interest and common humanity values, but also a more traditional realism as a relentlessly pragmatic, cautious and flexible approach to international affairs, which can be called 'liberal realism' or 'smart-power strategy'. Still, the analysis also reveals that

⁵³ MURPHY, Sean D.; *op.cit.*, 2009, pp. 35-37.

⁵⁴ OBAMA, Barack H.: Quoted in *The Telegraph*, "Barack Obama: Syria alleged chemical attack 'requires our attention'", 23 August 2013, available online at <http://www.telegraph.co.uk/news/worldnews/middleeast/syria/10262013/Barack-Obama-Syria-alleged-chemical-attack-requires-our-attention.html>, accessed in January 2016.

⁵⁵ In 2005, world leaders adopted a document which incorporated the slogan 'never again' into a political commitment of 'responsibility to protect' (R2P). It outlines the state and international responsibilities to protect populations from genocide, war crimes and crimes against humanity including 'ethnic cleansing'. R2P implicates that if a state is deliberately unable or unwilling to protect its populations from mass atrocity crimes; the international community has the responsibility to act – by persuasion, if possible, and by coercion, if necessary. The slogan 'never again' despises inaction by the international community in the face of a looming threat of mass violence made by a government against its own people. Source: UN, 2005 - *World Summit Outcome*, UN Doc. A/60/L.1/2005, paras 138 and 139, available online at <http://www.un.org/womenwatch/ods/A-RES-60-1-E.pdf>, accessed in January 2016 / TOURINHÓ, Marcos *et.al.*: "Contesting and Shaping the Norms of Protection: The Evolution of a Responsibility to Protect", in *Global Society*, Volume 30, Issue 1, 2016, pp. 134-150. / On Genocide Prevention and the Responsibility to Protect, *Statement of the Special Advisers of the Secretary-General on the Prevention of Genocide and on the Responsibility to protect on the situation in Syria*, 14 June 2012, available online at <http://www.un.org/en/preventgenocide/adviser/pdf/14%20June%20Statement%20-%20English.pdf>, accessed in January 2016.

⁵⁶ HOLMES, John: "Does the UN's Responsibility to Protect necessitate an intervention in Syria?", in *The Guardian*, 29 August 2013, available online at <http://www.theguardian.com/commentisfree/2013/aug/28/syria-intervention-un-responsibility-to-protect>, accessed in January 2016.

⁵⁷ SNELL, James: "Non-Intervention in Syria Was a Grave Mistake", in *The Huffington Post*, 20 April 2014, available online at http://www.huffingtonpost.co.uk/james-snell/syria-conflict_b_5179532.html, accessed in January 2016.

the administration's foreign policy values were also quite similar to the ones of its preceding one. The US under Obama mostly conformed to international society's established procedures, with the exception of the continued application of the Pre-Emptive Strike Doctrine with the means of drones. This also highlights that the norms of legality, morality and constitutionality were also challenged and debated during the Obama presidency, but to a lesser extent than during the 43rd US presidency. International society also condemned America's disregard of this USIL element in a few cases, like with the extensive use of drones and the debate of a possible intervention into the Syrian conflict. Still, with regard to the continued use of the Pre-Emptive Strike Doctrine, there were clear signs that international society had come to accept it in the post-Cold War era as a means to confront terrorist threats.

The analysis therefore features that the foreign policy of the Obama administration presented a commitment to 'International Values and Norms'. The Obama administration's foreign policy corresponds mostly with the contents and the definition of 'International Values and Norms' of the framework. Even though the international norms of morality, legality and constitutionality were challenged during the Obama administration, the close reflection of this element in the administration's foreign policy might explain why the administration was able to restore America's image in the world thereby positively affecting USIL.

5.3 International Order

When Obama came to office in 2009, the international order was characterised by the US being the hegemonic superpower. Nonetheless, the US also represented a country entangled in two wars in the Middle East, with no clear signs of success. The American empire seemed overstretched and limited in its financial and material capabilities. Consequently, as Indyk *et al.* assess, the US was confronted with various challenges, effectively leading the US to cease being the 'Überpower':

[...] the US Obama inherited was no longer the 'Überpower'. America's reputation had been tarnished by the wars and the financial crisis, its hard power strained, and its pursuit of democracy and free markets abroad seriously discredited.⁵⁸

Thus, for the Obama administration, US retrenchment from world conflicts was the magic word to realign US military forces abroad, especially because Obama had been opposed to the intervention in Iraq. Obama highlighted that he first and foremost want-

⁵⁸ INDYK, Martin S.; LIEBERTHAL, Kenneth G.; O'HANLON, Michael E.; *op.cit.*, p. 10.

ed to bring back US soldiers from the battlefields of Iraq and Afghanistan and to lobby for international support in combating terrorism. Still, Obama believed that the War on Terror did not reflect the only threat and challenge to America's national security. For the US administration, threats like climate change, pandemics or WMD were equally serious and could only be addressed with a new type of American leadership in the world, building upon the thinking of American exceptionalism, acknowledging that "the threats we face at the dawn of the 21st century can no longer be contained by borders and boundaries. [...] America cannot meet the threats of this century alone, but the world cannot meet them without America."⁵⁹

The US administration under Obama preferred a style of leadership in international affairs that can best be described as 'leading from behind' by focusing on retrieving US troops from Iraq and Afghanistan and only limitedly entangling the US in other conflicts. The administration executed a 'light footprint approach'⁶⁰, which included that the world could not expect the US to play the world's policeman alone, especially when US interests were not directly at stake. This was visible in the Libyan intervention, as the thesis illustrates and as Sanger argued.⁶¹ The administration therefore tried to balance national security concerns while being watchful of public opinion against large and costly military operations abroad. Thus, the 'light footprint approach' essentially demonstrated to the world that the era of big traditional wars led by the US was over, making it clear that America was no longer going to send troops to a foreign nation with the objective of renewing its society. This laid the foundations for the use of drone strikes and cyber weapons abroad.

This sort of retrenchment strategy however, also had negative consequences, as depicted in Chapter 5.2 regarding international norms, and also because it gave the impression that the US was withdrawing from the world. This critique mainly came from European leaders, who spent much of the George W. Bush presidency fearing that the US was a cowboy superpower, were now worried that Obama was overly cautious.⁶² America's vigilant stance in cases like the Russian annexation of Crimea, the political crisis in Ukraine, the global refugee crisis, the Arab turmoil and the civil war in Syria

⁵⁹ OBAMA, Barack H.; *Remarks to the Chicago Council on Global Affairs*, Chicago, 23 April 2007, available online at <http://www.cfr.org/elections/remarks-senator-barack-obama-chicago-council-global-affairs/p13172>, accessed in January 2016.

⁶⁰ SANGER, David E.; "The 'Light Footprint Strategy': Drones and Cyber-attacks in the Obama Presidency", in *Fletcher Features*, The Fletcher School of International Affairs, Washington D.C., 28 December 2012, available online at <http://fletcher.tufts.edu/News-and-Media/2012/12/28/David-Sanger-The-Light-Footprint-Strategy>, accessed in January 2016.

⁶¹ *Ibid.*, accessed in January 2016.

⁶² SANGER, David E.; "Global Crises Put Obama's Strategy of Caution to the Test", in *The New York Times*, 3 May 2014, available online at http://www.nytimes.com/2014/05/04/opinion/sunday/president-obama-and-the-world.html?_r=0, accessed in January 2016.

represented the administration's knowledge of the limits of American power, by advancing America's interests and ideals.⁶³

Scholars like Walt assert that Obama's presidency should be viewed as "restorative, not transformative"⁶⁴, as Obama's eager continuation of the War on Terror made his presidency strikingly like George W. Bush's.⁶⁵ With respect to defence and the international deployment of America's power, it was clear for the Obama administration that it only had limited resources at its disposal after the economic and financial crisis of 2008 and the enormous budget deficit left behind by the previous administration. This fact was considered in the Obama administration's Quadrennial Defence Review of 2010, 2014 and the National Security Strategy of 2010 and 2015, thereby highlighting the continuation of the global War on Terror or of the Pre-Emptive Strike Doctrine, and an identification of new priorities.⁶⁶ Experts defined Obama's national security policies as continuative, rather than ground-breaking compared to Bush's.⁶⁷ In contrast to his predecessor's, however, the Obama National Security Strategies suggested increased priority from hard to soft power strategies, but also reflected the realisation of America's strategic overextension, leading to a foreign policy that emphasised increased regional, bilateral and multilateral approaches for addressing national security problems.⁶⁸

Finally, the administration's caution not only reflected the knowledge of the limits of American power but also the acceptance of America's limited resources,⁶⁹ mirroring what Mandelbaum calls a "frugal superpower"⁷⁰: being able to spend less leads to being able to do less.⁷¹ The international community had to confront itself with the notion that 'worse than an America too strong is an America too weak'⁷². Still, as Nye argues, under Obama international society was not witnessing the end of American he-

⁶³ OBAMA, Barack H.; Quoted in FOER, Franklin; HUGHES, Chris; "Barack Obama is not pleased", in *New Republic*, 27 January 2013, available online at <https://newrepublic.com/article/112190/obama-interview-2013-sit-down-president>, accessed in January 2016.

⁶⁴ WALT, Stephen M.; Quoted in *The New York Magazine*, *op. cit.*, 11 January 2015, available online at <http://nymag.com/daily/intelligencer/2015/01/53-historians-on-obamas-legacy.html#>, accessed in February 2018.

⁶⁵ *The New York Times*, "President Obama and the World", 3 May 2014, available online at http://www.nytimes.com/2014/05/04/opinion/sunday/president-obama-and-the-world.html?_r=0, accessed in January 2016.

⁶⁶ LOVELACE, Douglas C.; "Assessing President Obama's National Security Strategy", in BOON, Kristen E. (et.al.); *Terrorism – Commentary on Security Documents*, Oxford University Press, Oxford, 2011, pp.4-7.

⁶⁷ Quoted in: "The United States: Obama's New Balance", in *Strategic Survey 2010: The Annual Review of World Affairs*, The International Institute for Strategic Studies, London, 2011, p.85.

⁶⁸ LOVELACE, Douglas C.; *op.cit.*, pp. 4-7.

⁶⁹ O'HANLON, Michael; *Obama the Carpenter-The President's National Security Strategy*, The Brookings Institution, Washington D.C., May 2015, available online at <http://www.brookings.edu/research/reports2/2015/05/obama-carpenter-national-security-legacy-ohanlon>, accessed in January 2016. / It is said that Obama asked the 'can we afford it?' question before every military action. Source: SANGER, David E.; *Confront and Conceal: Obama's Secret Wars and Surprising Use of American Power*, Kindle Edition, Broadway Paperbacks, New York, 2013, p. 429.

⁷⁰ MANDELBAUM, Michael; *op.cit.*, loc. 71.

⁷¹ *Ibid.*, loc. 1857.

⁷² *Ibid.*, loc. 1864.

gemony. Rather, Nye explains, “the American century is not over, but because of transnational and non-state forces, it is definitely changing in important ways.”⁷³

Consequently, the administration tried resizing America’s global footprint by balancing between protecting American influence and convincing the rest of the world to take part in maintaining international peace and security. The Obama administration explained nationally that even though America remained the most powerful country on earth, it could not afford everlastingly the burdens of being an exclusive superpower. Still, it reinvigorated the importance of America’s leadership role in world affairs even if the world was continuously changing, as US Secretary of State Hillary D. Rodham Clinton declared: “While the geometry of global power may have changed, American leadership is as essential as ever.”⁷⁴

Under Obama, military decisions had to be taken regarding the continuation of the War on Terror both in Afghanistan and in Iraq, intervening in Libya and Syria and the use of drone strikes. First, however, it is important to note that the Obama administration significantly altered the political and military fundamentals for deciding upon the use of US military force abroad, considering that the international order had become complex and was in constant evolution. In 2010, Obama’s Chairman of the Joint Chiefs of Staff, Admiral Michael G. Mullen laid down three principles for the use of force abroad.⁷⁵ First, that military power should not be the last resort of the state.⁷⁶ Second, military force should, to the maximum extent possible, be applied in a precise and principled way.⁷⁷ The third principle essentially described that even though a clear strategy for military operations was essential; that strategy would have to change as those operations evolved: “There isn’t going to be a single day when we [...] say, [...] it’s over, we’ve won. We will win but we will do so only over time and only after near constant reassessment and adjustment.”⁷⁸ These principles were interpreted by various scholars

⁷³ NYE, Joseph S. Jr.; “Is the American Century Over?”, in *Political Science Quarterly*, Volume 130, Issue 3, 2015, p. 400.

⁷⁴ CLINTON, Hillary; *Forrestal Lecture at the Naval Academy*, Annapolis, 10 April 2012, available online at <http://www.state.gov/secretary/20092013clinton/rm/2012/04/187693.htm>, accessed in January 2016.

⁷⁵ MULLEN, Michael G.; *Speech on Military Strategy*, Kansas State University, Manhattan KS, March 2010, available online at <http://www.cfr.org/defense-strategy/admiral-mullens-speech-military-strategy-kansas-state-university-march-2010/p21590>, accessed in January 2016.

⁷⁶ *Ibid.*, accessed in January 2016.

⁷⁷ *Ibid.*, accessed in January 2016.

⁷⁸ *Ibid.*, accessed in January 2016.

as being either a complement⁷⁹ or a departure⁸⁰ from the existing Weinberger-Powell-Doctrine⁸¹.

These fundamentals were reflected in the various military decisions the Obama administration was confronted with. In the global War on Terror, the administration essentially continued the execution of the Pre-Emptive Strike Doctrine, by ordering drone strikes in Pakistan, Somalia, Yemen and Afghanistan⁸². While the CIA under Obama apparently withdrew from the ‘detention and interrogation business’,⁸³ it considerably increased the business of killing suspected terrorists in targeted drone attacks, signalling that Obama preferred a kill-not capture policy.⁸⁴ In the War against Terror, the administration was determined to gradually take home US troops from Iraq while strengthening the commitment to the campaign in Afghanistan and Pakistan. Scholars such as McCrisken argue that Obama was essentially executing a modified strategy that had already been decided upon in the last years of George W. Bush’s presidency.⁸⁵

The wars in Afghanistan and Iraq have been dealt with differently: while Obama had never supported the decision to intervene in Iraq, he supported the intervention in Afghanistan.⁸⁶ For Obama, the problem laid in Iraq, a war that diminishes America’s security, its standing in the world, its military and its economy, and is not contributing effectively to keeping America safe.⁸⁷ He promised to “make the fight against al Qaeda and the Taleban the top priority that it should be. This is a war that we have to win.”⁸⁸

As a result, Obama announced both in March and in December 2009 to significantly increase troops to Afghanistan, effectively doubling the numbers of troops in that country since he had become president.⁸⁹ The success in the killing of Osama Bin Laden in May 2011 further encouraged the administration to continue the drone killings.⁹⁰ Finally, in October 2015, Obama announced that he would leave 5’500 US forces in

⁷⁹ *Secure Nation*; “A New Way Forward? Mullen Updates the Powell Doctrine with Warfare 2.0”, 7 March 2010, available online at <http://snation.org/2010/03/07/a-new-way-forward-mullen-updates-the-powell-doctrine-with-warfare-2-0/>, accessed in January 2016.

⁸⁰ HADDICK, Robert; “The Long Death of the Powell Doctrine”, in *Foreign Policy*, 5 March 2010, available online at <http://foreignpolicy.com/2010/03/05/this-week-at-war-the-long-death-of-the-powell-doctrine/>, accessed in January 2016.

⁸¹ See footnote 71 supra in Chapter 2.4.

⁸² MCCRISKEN, Trevor; *op.cit.*, 2011, p. 794.

⁸³ DILANIAN, Ken; “CIA has slashed its terrorism interrogation role”, in *Los Angeles Times*, 10 April 2011, available online at <http://articles.latimes.com/2011/apr/10/world/la-fg-cia-interrogation-20110411>, accessed in January 2016.

⁸⁴ MCCRISKEN, Trevor; *op.cit.*, 2011, p. 794.

⁸⁵ *Ibid.*, p. 784.

⁸⁶ OBAMA, Barack H.; *The Audacity of Hope: Thoughts on Reclaiming the American Dream*, Crown Publishing, New York, 2006, pp.291-292. / OBAMA, Barack H.; *Remarks on a New Strategy for Afghanistan and Pakistan*, Washington D.C., 27 March 2009, available online at <https://www.whitehouse.gov/the-press-office/remarks-president-a-new-strategy-afghanistan-and-pakistan>, accessed in January 2016.

⁸⁷ OBAMA, Barack H.; *Remarks on Iraq and Afghanistan*, Washington D.C., 15 July 2008, available online at http://www.nytimes.com/2008/07/15/us/politics/15text-obama.html?pagewanted=2;_r=0, accessed in January 2016.

⁸⁸ *Ibid.*, accessed in January 2016.

⁸⁹ OBAMA, Barack H.; *Remarks at the United States Military Academy at West Point*, New York, 1 December 2009, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=86948&st=&st1=>, accessed in January 2016.

⁹⁰ BENTLEY, Michelle; HOLLAND, Jack; *op.cit.*, p. 12.

Afghanistan beyond his departure from office in January 2017, making the war in Afghanistan the longest in US history.⁹¹

In Iraq, the administration achieved to withdraw US troops by the end of 2011, proclaiming that “after nearly nine years, America’s war in Iraq will be over.”⁹² Still, the US currently has various US Special Operations Troops stationed in Iraq and at the borders to Syria⁹³, thereby basing America’s global War on Terror not only on conventional forces, as Andrew Feickert illustrated.⁹⁴ Hence, scholars like Michael Crowley argue that “a president who aspired to be a peacemaker has found himself unable to escape conflict. And a leader who hoped for a foreign policy legacy built around the idea of ending wars has been forced to continue them.”⁹⁵

The two final examples on the use of military force aboard concern Libya and Syria. After the Arab turmoil beginning at the turn of 2010, the start of civil riots in Libya in February 2011 put the US administration into the delicate condition to address and implement the ‘Responsibility to Protect’ approach, decided upon in 2005⁹⁶ into actual practice. Yet, at the beginning of the crisis, the administration addressed the unfolding crisis very cautiously, condemning the violence⁹⁷. Only after the strongly worded UNSC Resolution 1970⁹⁸ did the administration encourage the Libyan leader to depart. Not being able to convince Muammar Gaddafi, Chairman of the Revolutionary Command Council of Libya, to leave office, the administration collaborated with regional organisations and achieved to pass through UNSC Resolution 1973⁹⁹, which established a no-fly zone over Libya and successfully authorised military action from the air without troops on the ground.

Consequently, while in 2011 the Obama administration was still trying to detach US troops from two wars in Afghanistan and Iraq, it had been confronted with being involved in a third war over Libya. The administration explained the reasons for inter-

⁹¹ ROSENBERG, Matthew; SHEAR, Michael D.; “In Reversal, Obama Says US Soldiers Will Stay in Afghanistan to 2017”, in *The New York Times*, 15 October 2015, available online at <https://www.nytimes.com/2015/10/16/world/asia/obama-troop-withdrawal-afghanistan.html>, accessed in January 2016.

⁹² OBAMA, Barack H.; *Remarks on Ending the War in Iraq*, Washington D.C., 21 October 2011, available online at <https://www.whitehouse.gov/the-press-office/2011/10/21/remarks-president-ending-war-iraq>, accessed in January 2016.

⁹³ FEICKERT, Andrew; “US Special Operations Forces (SOF): Background and Issues for Congress”, in *CRS Report*, Congressional Research Service, Washington D.C., 19 November 2015, available online at <https://www.fas.org/sgp/crs/natsec/RS21048.pdf>, accessed in January 2016.

⁹⁴ *Ibid.*, accessed in January 2016.

⁹⁵ CROWLEY, Michael; “Obama loses ‘peacemaker’ legacy”, in *Politico*, 15 October 2015, available online at <http://www.politico.com/story/2015/10/obama-legacy-214849>, accessed in January 2016.

⁹⁶ See supra footnote 61 in Chapter 5.2.

⁹⁷ OBAMA, Barack H.; *Remarks on the Situation in Libya*, Washington D.C., 23 February 2011, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=89480&st=&st1=>, accessed in January 2016.

⁹⁸ UN Security Council, *Resolution 1970*, 26 February 2011, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970(2011)), accessed in January 2016.

⁹⁹ UN Security Council, *Resolution 1973*, 17 March 2011, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)), accessed in January 2016.

vention by stressing the restricted nature of intervention, both in terms of scope and length, the fact that the US was sharing the drains with its international partners and that NATO was assuming the leadership.¹⁰⁰ Obama further highlighted the moral cause for intervention, explaining that the US could not always intervene when cruelty occurred abroad and would have to “measure our interest against the need for action”¹⁰¹. Thus, the administration was making it clear that the ‘light footprint approach’ of targeted killings had substituted the notion of nation-building. The desire to spread democracy across the Middle East, as it was previously aimed at by the preceding administration, had been exchanged for precise strikes to protect essential US security interests whenever they were endangered and sometimes human rights as well.¹⁰²

Still, even though the Libyan intervention may have proven successful in military terms, the Syrian crisis that started in 2011 proved a more challenging test for the Obama administration and illustrated the limits of US interventionist power in the post-Cold War era. The challenges rested first on US Congressional concerns over Libya that fed directly into the debate and hesitancy over a possible US intervention in Syria. Second, the difficulties found in finding an UNSC mandate for a possible UN led intervention in Libya: basing itself on the consensual UN mandate of the Libyan experience, the US administration tried to achieve a consensus in the UNSC, sentencing the regime of Syrian President Bashar-el-Assad and in the end calling for his departure.¹⁰³ Nevertheless, the UNSC remained deadlocked, essentially because of Chinese and Russian economic, military and geostrategic interests in Syria. Further, a sense of mistrust between Western Nations, China and Russia because of UNSC Resolution 1973 on Libya made matters only worse: both China and Russia felt that their support of that Resolution was distorted to interpret the Resolution in very broad terms, i.e. allowing a military intervention to oust Gaddafi.¹⁰⁴ Thus, Syria drifted into a civil war.

The domestic press condemned Obama’s cautious stance about the grave human rights violations occurring in Syria.¹⁰⁵ Yet, taking into account the international envi-

¹⁰⁰ OBAMA, Barack H.; *Address to the Nation on the Situation in Libya*, Washington D.C., 28 March 2011, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=90195&st=&st1=>, accessed in January 2016.

¹⁰¹ *Ibid.*, accessed in January 2016.

¹⁰² BENTLEY, Michelle; HOLLAND, Jack; *op.cit.*, p. 134. / HOLMES, John; *op.cit.*, 28 August 2013, available online at <http://www.theguardian.com/commentisfree/2013/aug/28/syria-intervention-un-responsibility-to-protect>, accessed in January 2016.

¹⁰³ OBAMA, Barack H; *Statement on the Situation in Syria*, Washington D.C., 18 August 2011, available online at <http://www.presidency.ucsb.edu/ws/index.php?pid=91105&st=&st1=>, accessed in January 2016.

¹⁰⁴ SCHOEN, Douglas E; KAYLAN, Melik; *The Russia-China Axis: The New Cold War and America's Crisis of Leadership*, Encounter Books, New York, 2014, pp.66-67.

¹⁰⁵ HENNINGER, Dan; , “While Obama Fiddles”, in *The Wall Street Journal*, 11 June 2014, available online at <http://www.wsj.com/articles/dan-henninger-while-obama-fiddles-1402529025> , accessed in January 2016. / CARLSON, John D.; “A Moral Guide to Obama’s Foreign Policy”, in *Religion and Politics*, 10 December 2012, available online at <http://religionandpolitics.org/2012/12/10/a-moral-guide-to-obamas-foreign-policy/> , accessed in January 2016.

ronment characterised by ongoing negotiations with Iran, an alienated Russia, a weak Europe and a US Congress opposing any sort of future military intervention abroad, scholars like Mark N. Katz argue that the Obama administration's policy of non-intervention in Syria should be judged as rational and pragmatic nonetheless.¹⁰⁶ In conclusion, however, scholars and international commentators do not yet agree on the administration's success in using American power abroad. Scholars like Joseph Loconte condemn the US administration's over reliance on diplomacy and soft power, thereby projecting American weakness across the globe and contributing to the debacles in Libya, Yemen, Afghanistan, Iraq and Syria.¹⁰⁷ Others like James Mann praise the administration's caution, its acknowledgment of the limits of US power, its awareness of the changed nature and distribution of power in the post-Cold War order, its new priorities in foreign policy and its redefinition of threats to America's national security.¹⁰⁸

The analysis therefore suggests that the Obama administration was committed to the element of 'International Order' as it was willing to accept the natural order and was also committed to execute a moderate foreign policy. This is especially visible in the fact that the Obama administration was mindful about the problems related to the extensive use of force ordered by the previous administration. The administration intervened in the complex and volatile international environment cautiously and using force with a 'light footprint approach'. This retrenchment strategy, however, had its failbacks because positive results of the international interventions in Syria, Libya and against ISIS still fail to materialise. Yet, America's concerted actions with other states in the eradication of ISIS have found worldwide support.¹⁰⁹ Nevertheless, even though the administration achieved to successfully withdraw US troops from the battlefields in Iraq and Afghanistan, US Special Operations Forces are still present in those countries.

The Obama administration's combination of hard and soft power was a smart application of America's power in the post-Cold War era. The administration did not falter to continue the execution of the Pre-Emptive Strike Doctrine or the global War on Terror.¹¹⁰ This illustrates that unless a threat went to the heart of America's own security, the US did not intervene, unless if others with more at stake were ready to contribute

¹⁰⁶ KATZ, Mark N.; "US Policy toward Syria: Making the Best of a Bad Situation?", in *Wilson Center Viewpoints*, Washington D.C., October 2013, p. 3.

¹⁰⁷ LOCONTE, Joseph; "Obama, FDR, and the Failure of US Foreign Policy", in *Georgetown Journal of International Affairs*, 16 November 2015, available online at <http://journal.georgetown.edu/obama-fdr-and-the-failure-of-u-s-foreign-policy/>, accessed in January 2016.

¹⁰⁸ MANN, James; Quoted in *The New York Magazine*, *op.cit.*, 11 January 2015, available online at <http://nymag.com/daily/intelligencer/2015/01/53-historians-on-obamas-legacy.html#>, accessed in January 2016.

¹⁰⁹ Pew Research Centre, *America's International Image*, 28 June 2016, available online at <http://www.pewglobal.org/2016/06/28/americas-international-image/>, accessed in January 2017.

¹¹⁰ SANGER, David E.; *op.cit.*, 2013, p. 135.

or share the burden, as this was the case during the annexation of Crimea in Ukraine, in Syria or Mali. Fundamentally, Obama proved to be prone to a ‘pick-and-choose’ strategy for military interventions abroad, as Sanger claimed.¹¹¹ Consequently, the world was wondering if America was no longer interested in playing the decisive protector, the ‘indispensable nation’, the international community’s keeper of the peace.

Thus, the examination suggests that Obama’s foreign policy mostly reflected the framework’s element of ‘International Order’, but surprisingly only under the condition that international threats did not directly affect America’s security. The administration’s foreign policy relates closely with the contents and the definition of ‘International Order’ of the framework. Ultimately, this result might explain why scholars such as Lee claim that in the Obama administration “the importance of legitimacy for US hegemonic power is not lost.”¹¹²

5.4 International Consensus

Upon taking office, Obama took a series of steps to return the US to multilateralism. The administration planned America’s election to the UN Human Rights Council¹¹³; moved the US from an observer to a leader in the negotiations on climate change, departed from the G-8 Summits to include more emerging powers thereby strengthening the G-20 as the new ongoing, summit-level forum; offered improvements to the nuclear non-proliferation regime and disarmament by presiding a historic UNSC Summit Meeting¹¹⁴; and beckoned its intent to seek ratification of various international treaties, such as the CTBT or the UN Convention on the Law of the Sea (UNCLOS).¹¹⁵ For Obama, it was clear that it was important to engage many important countries to achieve global solutions to global problems, as he stated in London in 2009.¹¹⁶

Scholars such as McCormick¹¹⁷ agree that in terms of reengaging the US with the international community, the Obama approach surely changed from the Bush 43 administration: the Obama administration reached out to the world while visiting foreign capitals and improving America’s image. It also engaged key world leaders in bi-

¹¹¹ *Ibid.*, p. xvii.

¹¹² LEE, Lavina R.; *op.cit.*, 2010, p. 160.

¹¹³ The US was elected to the UN Human Rights Council on 12 May 2009 by the UN General Assembly. *Source*: UN General Assembly, Human Rights Council, *Elections 2009*, available online at http://www.un.org/ga/63/elections/hrc_elections.shtml, accessed in February 2016.

¹¹⁴ BORGES, Julian; “Obama hails historic Resolution to rid world of nuclear weapons”, in *The Guardian*, 24 September 2009, available online at <http://www.theguardian.com/world/2009/sep/24/nuclear-weapons-un-security-council>, accessed in February 2016.

¹¹⁵ *The Nuclear Threat Initiative*, “Obama Administration Promotes CTBT Ratification”, 22 February 2012, available online at <http://www.nti.org/gsn/article/white-house-again-lobby-congress-ctbt-ratification/>, accessed in February 2016.

¹¹⁶ OBAMA, Barack H.; *News Conference*, London, 2 April 2009, available online at <https://www.whitehouse.gov/the-press-office/news-conference-president-obama-40209>, accessed in February 2016.

¹¹⁷ MCCORMICK, James; *op.cit.*, 2014, p. 219.

lateral and multilateral summits. The US increased its use of regional and international organisations in pursuit of its foreign policy goals, too. As McCormick closes, “in all, the efforts at global engagement have been substantial and pervasive.”¹¹⁸ At the same time, as the previous Chapters illustrated, the administration emphasized the need for other countries to share global burdens. As Obama said to the UN General Assembly in September 2009: “Now is the time for all of us to take our share of responsibility for a global response to global challenges.”¹¹⁹

Accordingly, the Obama administration preferred working with international institutions rather than marginalising them: international organisations allowed for burden-sharing among nations; and they were seen as potential vehicles for legitimating American leadership.¹²⁰ Obama affirmed “to rebuild the alliances, partnerships, and institutions necessary to confront common threats and enhance common security.”¹²¹ The Nobel Committee awarded Obama with the Nobel Peace Prize in 2009 because of Obama’s understanding of the importance of multilateral institutions.¹²²

Still, like the George W. Bush administration, the Obama administration called for the reform of multilateral institutions and preferred to establish ad-hoc partnerships, very similar to the ‘coalitions of the willing’ under Bush 43.¹²³ Scholars like Thomas Wright condemned this approach of the Obama administration, because it “opens the door to unilateral action where the most powerful states decide what they want to do and persuade a handful of supporters to go along.”¹²⁴ Further, Stewart Patrick criticises the administration because such informal ad-hoc partnerships do not provide the necessary legitimacy.¹²⁵

Obama was willing to commit the US to the UN and its institutions, but only if the institutions became more effective and legitimate, as well as UNSC Resolutions

¹¹⁸ *Ibid.*, p. 219.

¹¹⁹ OBAMA, Barack H.; *Remarks by the President to the UN General Assembly*, New York, 23 September 2009, available online at <https://www.whitehouse.gov/the-press-office/remarks-president-united-nations-general-assembly>, accessed in February 2016.

¹²⁰ OBAMA, Barack H.; *op.cit.*, 23 April 2007, available online at <http://www.cfr.org/elections/remarks-senator-barack-obama-chicago-council-global-affairs/p13172>, accessed in February 2016.

¹²¹ OBAMA, Barack H.; “Renewing American Leadership”, in *Foreign Policy*, July/August 2007, available online at <https://www.foreignaffairs.com/articles/2007-07-01/renewing-american-leadership>, accessed in February 2016.

¹²² Norwegian Nobel Committee, *The Nobel Peace Prize for 2009*, Oslo, 9 October 2009, available online at http://www.nobelprize.org/nobel_prizes/peace/laureates/2009/press.html, accessed in February 2016.

¹²³ CLINTON RODHAM, Hillary; *A Conversation with US Secretary of State Hillary Rodham Clinton*, Washington D.C., 15 July 2009, available online at <http://www.cfr.org/diplomacy-and-statecraft/conversation-us-secretary-state-hillary-rodham-clinton/p34589>, accessed in February 2016.

¹²⁴ WRIGHT, Thomas; “Toward Effective Multilateralism: Why Bigger Might Not Be Better”, in *The Washington Quarterly*, No. 32, Issue 3, 2009, p. 167.

¹²⁵ PATRICK, Stewart; “The Mission Determines the Coalition”: The United States and Multilateral Cooperation after 9/11”; in JONES, B.; FORMAN, S.; GOWAN, R. (eds.); *In Cooperating for Peace and Security: Evolving Institutions and Arrangements in a Context of Changing US Security Policy*, Cambridge University Press, Cambridge, 2009, pp.43-44.

were implemented.¹²⁶ During Obama's first year in office, several initiatives were taken to accomplish this aim: in June 2009, US Congress passed an additional budget request that provided USD 836 million toward clearing accumulated US arrears on the UN peacekeeping account.¹²⁷ Surprisingly, the fiscal year 2010 US budget included a complete funding of US obligations for the coming UN year.¹²⁸ Still, in 2015, the US owed 925 million USD to the UN regular budget and 2 billion USD to the PKO budget, ballooning to a total amount of arrears of 3 billion USD.¹²⁹

With respect to UN decision-making, from 2009 until the end of 2016 the UNSC adopted 471 Resolutions.¹³⁰ Twelve Resolutions came to a vote during this period and only once did the US cast a veto on the Resolutions.¹³¹ In the UN General Assembly, a slow but steady increase in favour of US voting positions can be observed in the years of Barack H. Obama's presidency. The average voting coincidence of all UN General Assembly members with US positions had an average of 47 per cent from 2009-2014. This was 39 per cent in 2009 and 54 percent at the end of 2016.¹³² These numbers suggest a solid increase in US commitment for international consensus seeking, and also show that the international community felt less resistant to US positions under Obama. This indicates that the Obama administration used the UN in its execution of 'instrumental multilateralism', as Chapter 5.2 introduced.

The US administration's support for the role played by the UN in PKOs was stressed in a historic UN summit organised by the US in 2015 gathering more than 50 world leaders, boosting contributions to UN peace operations in the face of record-level demand for peacekeeping,¹³³ giving the opportunity to the Obama administration to release the new presidential policy on US Support for UN Peace Operations.¹³⁴ The new policy laid down assistance for partner building efforts and for new UN initiatives.¹³⁵ Further, Obama declared that UN peacekeeping "is not something that we do for others;

¹²⁶ OBAMA, Barack H.; *Remarks to the Joint Session of the Indian Parliament*, New Delhi, 8 November 2010, available online at <https://www.whitehouse.gov/the-press-office/2010/11/08/remarks-president-joint-session-indian-parliament-new-delhi-india>, accessed in February 2016.

¹²⁷ BROWNE, Majorie Ann; *op.cit.*, 11 February 2011, p. 8, available online at <https://www.fas.org/sgp/crs/row/RL33700.pdf>, accessed in February 2016.

¹²⁸ *Ibid.*, pp.4-5, accessed in February 2016.

¹²⁹ Information provided by the *UN Committee on Contributions*, 10 September 2015 available online at <http://untribune.com/wp-content/uploads/2015/09/Screenshot-2015-09-14-at-3.20.41-PM.png>, accessed in February 2016.

¹³⁰ UN Security Council, *Statistics* available online at <http://www.un.org/en/sc/documents/Resolutions/>, accessed in January 2017.

¹³¹ UN Security Council, *Veto List*, available online <http://research.un.org/en/docs/sc/quick/veto>, accessed in January 2017.

¹³² Author's compilation of data, based on the US Department of State's Yearly Report *Voting Practices in the United Nations*, available online at <https://www.state.gov/p/io/rls/rpt/index.htm>, accessed in September 2017.

¹³³ *UN News Centre*, "World leaders recommit to modernize 120,000-strong UN peacekeeping force", New York City, 28 September 2015, available online at <http://www.un.org/apps/news/story.asp?NewsID=52015#.VsNOrmpREvE>, accessed in February 2016.

¹³⁴ The US White House, Office of the Press Secretary, *Memorandum for the Heads of Executive Departments and Agencies - US Support to UN Peace Operations*, 28 September 2015, available online at http://peaceoperationsreview.org/wp-content/uploads/2015/09/2015_us_un_peace_ops_memo.pdf, accessed in February 2016.

¹³⁵ *Ibid.*, accessed in February 2016.

this is something that we do collectively because our collective security depends on it.”¹³⁶ Finally, and very similar to George W. Bush’s policy on peace keeping, the Obama policy included encouraging prioritized and sequenced mandates.¹³⁷ Still, the deployment of US personnel to UN PKOs under the Obama administration was similar to the predecessor’s, as Figure 6 depicts below:

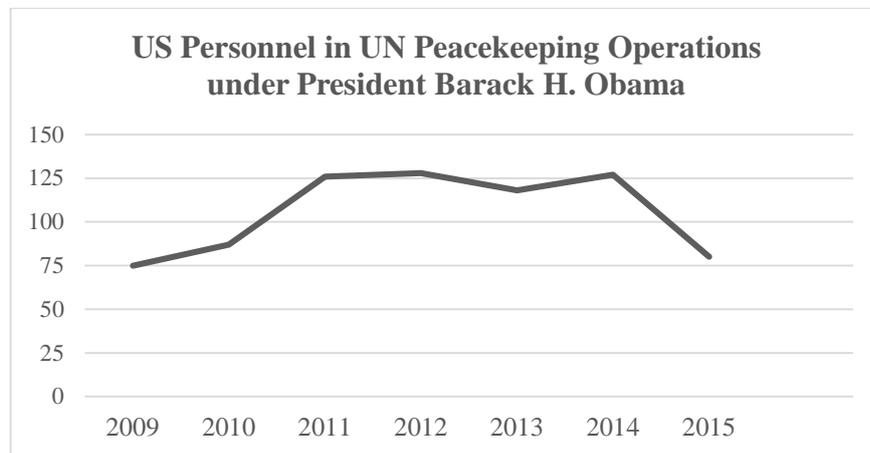


Figure 6 - US Personnel in UN Peacekeeping Operations under President Barack H. Obama¹³⁸

Thus, the Obama administration was committed to a return to multilateralism after the Bush years. In this respect, the US under Obama both tried to reduce its arrears in the UN budget and tried to achieve an international commitment for increased resources for the UN’s PKO.¹³⁹

As regards the legitimate use of force, in the War against Terror, the administration was determined to refocus the fight by gradually taking home US troops from Iraq while strengthening the commitment to the campaigns in Afghanistan and Pakistan, through the execution of the Pre-Emptive Strike Doctrine by ordering drone strikes in Pakistan, Somalia, Yemen and Afghanistan¹⁴⁰ as Chapter 5.3 highlighted. In this respect, the Obama administration is the first post-Cold War administration to ignore international consensus and attack sovereign nations with targeted killings without approval neither of the UNSC nor the state concerned, leading to international critique by the UN as this Chapter explains further below. In addition, experts question whether the

¹³⁶ OBAMA, Barack H.; *Remarks at UN Peacekeeping Summit*, New York, 28 September 2015, available online at <https://www.whitehouse.gov/the-press-office/2015/09/28/remarks-president-obama-un-peacekeeping-summit>, accessed in February 2016.

¹³⁷ *UN Peace Operations*, 28 September 2015, available online at http://peaceoperationsreview.org/wp-content/uploads/2015/09/2015_us_un_peace_ops_memo.pdf, accessed in February 2016.

¹³⁸ Own Compilation with Data from *UN Peacekeeping, Troop and police contributors archive*, available online at http://www.un.org/en/peacekeeping/resources/statistics/contributors_archive.shtml, accessed in February 2016.

¹³⁹ WOLF, Amelia M.; “Making Obama’s Peacekeeping Commitments a Reality”, in *Blog on Politics, Power, and Preventive Action*, Council on Foreign Relations, Washington D.C., 1 October 2015, available online at <http://blogs.cfr.org/zenko/2015/10/01/guest-post-making-obamas-peacekeeping-commitments-a-reality/>, accessed in February 2016.

¹⁴⁰ McCRIKSEN, Trevor; *op.cit.*, 2011, p. 794.

US set a dangerous precedent that will be invoked by other countries that purchase similar technology, such as Russia or China.¹⁴¹ The Obama administration stated that the right to self-defence, as laid out in Article 51 of the UN Charter, can be interpreted to comprise the targeted killing of persons such as al-Qaeda leaders who are plotting attacks. The UN condemned this US practice because it lacked international consensus on its legality, as the UN's Special Rapporteur on Human Rights and Counter-Terrorism, Ben Emmerson explained:

Despite the proliferation of this technology, there remains a lack of consensus among international lawyers and between states on the core legal principles. [...] It's not the drone that is the problem. The problem is the lack of clarity under which it is lawful to deploy lethal force by drone.¹⁴²

As such, America's use of drones was condemned by the UN through a UN General Assembly Resolution urging States to

Ensure that any measures taken or means employed to counter terrorism, including the use of remotely piloted aircraft, comply with their obligations under international law, including the UN Charter, human rights law and international humanitarian law [...].¹⁴³

Thus, the US administration was criticised internationally¹⁴⁴ for disrespecting the UN Charter governing the use of force and the sovereignty of other states by unilaterally invoking the right of self-defence without UNSC approval. Hence, there was neither a will by the Obama administration to seek international consensus for its drone strikes abroad nor an international consensus emerging to allow those strikes.¹⁴⁵

In Libya, the military intervention was planned and executed from the beginning as a US operation within an international coalition. The US response to the unfolding crisis in Libya starting from 2011 was very vigilant, trying to achieve a UNSC Resolution aiming to authorise a military response to the civil war taking place in Libya, qualifying the action as consistent with the 'Responsibility to Protect'.¹⁴⁶ As described in

¹⁴¹ United Press International, "\$11.4B annual growth in UAV expenditures", 12 April 2012, available online at http://www.upi.com/Business_News/Security-Industry/2012/04/12/114B-annual-growth-in-UAV-expenditures/UPI-12181334228007/, accessed in February 2016.

¹⁴² EMMERSON, Ben; *Report of the Special Rapporteur on the Promotion and Protection of Human Rights and fundamental Freedoms while countering Terrorism*, UN General Assembly, Human Rights Council, Geneva, 28 February 2014, available online at <https://www.justsecurity.org/wp-content/uploads/2014/02/Special-Rapporteur-Rapporteur-Emmerson-Drones-2014.pdf>, accessed in February 2016.

¹⁴³ UN General Assembly, Resolution 86/178, *Protection of human rights and fundamental freedoms while countering terrorism*, 18 December 2013, p. 5, available online at http://www.un.org/en/ga/search/view_doc.asp?symbol=A/RES/68/178, accessed in February 2016.

¹⁴⁴ *European Parliament Resolution on the Use of armed Drones*, Strasbourg, 25 February 2014, available online at <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+MOTION+P7-RC-2014-0201+0+DOC+XML+V0//EN>, accessed in February 2016.

¹⁴⁵ DESHAW RAE, James; *Analyzing the Drone Debates: Targeted Killing, Remote Warfare and Military Technology*; Palgrave Macmillan, New York, 2014, pp. 56-57.

¹⁴⁶ See footnote 61 in Chapter 5.2, introducing the concept of "Responsibility to Protect".

Chapter 5.3, after the adoption of UNSC Resolution 1970¹⁴⁷ the administration achieved to pass through UNSC Resolution 1973¹⁴⁸, which established a no-fly zone over Libya and successfully authorised military action from the air, led by the US.¹⁴⁹ In the aftermath of early military successes, the administration sought NATO's agreement to take over the leadership of the military operation to guarantee the effective integration of the international community,¹⁵⁰ thereby reducing America's role in the operation.¹⁵¹ Thus, the US administration was committed to work with multilateral institutions and coalitions to solve the unfolding Libyan crisis. Still, scholars like Jeffrey H. Michaels diverge on the effectiveness of the operation and the future willingness of the US to engage in military operations abutting on the EU.¹⁵²

Most importantly, NATO's mission in Libya hindered peace-making efforts in Syria because NATO's interpretation of the UN Resolutions on Libya greatly antagonised Russia. Even though Moscow had consented to the UNSC Resolution on Libya, in Russia's view, NATO had surpassed that mandate to follow regime change.¹⁵³ In the case of Syria, Russia's Foreign Minister, Sergey Lavrov, explained that Russia "would never allow the Security Council to authorize anything similar to what happened in Libya."¹⁵⁴ Scholars like Alan J. Kuperman condemned NATO's intervention in Libya because it further alienated Russia from the international community thereby hindering peace-making efforts in Syria.¹⁵⁵ The crisis resulted in a huge humanitarian and refugee crisis, in grave violations of human rights, in the use of chemical weapons by the Assad regime and in the deadlock in the UNSC due to Russia's intransigent position.¹⁵⁶ Against this background, the Obama administration tried to achieve a UNSC backed solution to the crisis, even though the UNSC remained deadlocked. The international

¹⁴⁷ UN Security Council, *Resolution 1970*, 26 February 2011, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1970(2011)), accessed in January 2016.

¹⁴⁸ UN Security Council, *Resolution 1973*, 17 March 2011, available online at [http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973\(2011\)](http://www.un.org/en/ga/search/view_doc.asp?symbol=S/RES/1973(2011)), accessed in January 2016.

¹⁴⁹ OBAMA, Barack H.; *Remarks on the Situation in Libya*, Washington D.C., 18 March 2011, available online at <https://www.whitehouse.gov/the-press-office/2011/03/18/remarks-president-situation-libya>, accessed in February 2016.

¹⁵⁰ BORGER, Julian *et. al.*; "US tightens military grip on Gaddafi", in *The Guardian*, 28 February 2011, available online at <http://www.theguardian.com/world/2011/feb/28/us-military-gaddafi-libya>, accessed in February 2016. / NYGREN, Anders; "Executing Strikes from the Air", in ENGELBREKT, Kjell (*et.al.*) (eds.); *The NATO Intervention in Libya: Lessons Learned from the Campaign*, Routledge, New York, 2014, pp.117-118.

¹⁵¹ MICHAELS, Jeffrey H.; "Able but not willing: A critical assessment of NATO's Libya intervention"; in ENGELBREKT, Kjell (*et.al.*) (eds.); *op.cit.*, p. 24.

¹⁵² *Ibid.*, p. 27.

¹⁵³ PUTIN, Vladimir; *Address to Russian Duma Parliament over Crimea*, Moscow, 19 March 2014, available online at <http://www.globalresearch.ca/president-putins-address-to-russian-duma-parliament-over-crimea/5374317?print=1>, accessed in February 2016.

¹⁵⁴ LAVROV, Sergey V. Quoted in MACFARQUHAR, Neil; "At UN Pressure Is on Russia for Refusal to Condemn Syria", in *The New York Times*, 31 January 2012, available online at <http://www.nytimes.com/2012/02/01/world/middleeast/battle-over-possible-united-nations-resolution-on-syria-intensifies.html>, accessed in February 2016.

¹⁵⁵ KUPERMAN, Alan J.; "Obama's Libya Debacle", in *Foreign Affairs*, March/April 2015, available online at <https://www.foreignaffairs.com/articles/libya/obamas-libya-debacle>, accessed in February 2016.

¹⁵⁶ GUIRORA, Amos N.; "Intervention in Libya, yes; intervention in Syria, no: deciphering the Obama Administration", in *Case Western Reserve Journal of International Law*, Spring-Fall 2011, p.251.

community supported by the US achieved to collect the Syrian chemical weapons and to destroy them based on UNSC Resolution 2118.¹⁵⁷ The administration continued its efforts to find a multilateral solution to the Syrian crisis by a series of peace talks in Vienna and Geneva. These efforts finally culminated in December 2015 on the unanimous adoption of UNSC Resolution 2254, paving the way for a peace process.¹⁵⁸ Finally, in February 2016 a cease fire was decided. However, hostilities continue to date (March 2018). As a result, the Obama administration tried to both balance its Syrian policy with both multilateral diplomatic tools as well as with a limited use of force to achieve an international consensual solution to the Syrian crisis. Yet, there were several important international factors influencing the decision against US intervention in Syria. First, Obama did not want to alienate Moscow by intervening in Syria at a time when the US was seeking Russian cooperation on several issues, including the Iranian nuclear deal. Second, the administration's hopes for improved US-Iranian relations may also have motivated it not to intervene in Syria.¹⁵⁹

The analysis therefore shows that the Obama administration was committed to this USIL element, as it preferred working with international institutions, based on the belief that international organisations allowed for burden-sharing among nations and were useful in legitimating American leadership. The US under Obama variously used the UNSC both as a vehicle to achieve consensus legitimizing the use of military force aboard, as this was the case for the crises in Libya and Syria. International society mostly lauded America's commitment to this element, with the exception of America's willingness to use targeted killings without previous consent of the UNSC. Hence, this suggests that the element of 'International Consensus' is reflected in the administration's foreign policy, especially because the administration expanded the notion of 'multilateralism' with the pragmatic use of new solutions in the form of ad-hoc partnerships.¹⁶⁰ Thus, this Chapter concludes that the foreign policy of the Obama administration was mostly committed to and reflected the framework's element of 'International Consensus'. This suggests that the Obama administration's foreign policy corresponds closely with the contents and the definition of 'International Consensus' of the framework.

¹⁵⁷ UN, *Security Council Requires Scheduled Destruction of Syria's Chemical Weapons, Unanimously Adopting Resolution 2118*, 27 September 2013, available online at <http://www.un.org/press/en/2013/sc11135.doc.htm>, accessed in February 2016.

¹⁵⁸ UN, *Security Council Unanimously Adopts Resolution 2254 - Endorsing Road Map for Peace Process in Syria - Setting Timetable for Talks*, 18 December 2015, available online at <http://www.un.org/press/en/2015/sc12171.doc.htm>, accessed in February 2016.

¹⁵⁹ KATZ, Mark N.; *op.cit.*, p. 3-5.

¹⁶⁰ PATRICK, Stewart; "The New "New Multilateralism": Minilateral Cooperation, but at What Cost", in ALEXANDROFF, Alan S.; BREAN, Donald J.S. (eds.); *Global Summitry: Politics, Economics, and Law in International Governance*, Oxford Journal, 18 December 2015, available online at <http://globalsummitry.oxfordjournals.org/content/early/2015/12/23/global.guv008>, accessed in February 2016.

5.5 International Society

In contrast to the preceding Bush administration, the Obama administration was different in the ways it sought to shape and influence the international system. There was recognition that global challenges should be addressed with global solutions, as the previous Chapters showed. Thus, the US administration tried to influence international society on various fronts.

The first was climate change: by deciding to replace the Group of Eight (G-8) with the Group of Twenty (G-20) as the summit steering group for the world's major problems,¹⁶¹ as can be depicted by the Group's decision during the global recession in 2009 to enforce large economic and financial stability and stimulus programmes,¹⁶² the G-8 was left to deal with political and security issues.¹⁶³ In doing this, the Obama administration included the emerging powers in the decision making for future global challenges and thereby forced countries such as China and India into assuming more responsibilities. The successful outcome of the Paris COP21 Conference at the end of 2015 was a result of this engagement.¹⁶⁴

The second example was the Obama administration's focus on nuclear disarmament and nuclear security. In this field, the Obama administration worked with the Russian Federation to achieve a new START Treaty, which was signed by the two presidents in 2010¹⁶⁵. It also started a series of Nuclear Security Summits, in which a group of countries committed to reduce the threat of nuclear terrorism. The administration tried to strengthen the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) and was willing to sign the CTBT, too.¹⁶⁶

The third front was to start reforms in multilateral institutions, such as the IMF and the World Bank, which foresaw expanded mandates for both institutions¹⁶⁷. The

¹⁶¹ INDYK, Martin S.; LIEBERTHAL, Kenneth G.; O'HANLON, Michael E.; *op.cit.*, p. 264.

¹⁶² OBAMA, Barack H.; *op.cit.*, 2 April 2009, available online at <https://www.whitehouse.gov/the-press-office/news-conference-president-obama-40209>, accessed in February 2016.

¹⁶³ *Ibid.*, accessed in February 2016.

¹⁶⁴ QURESHI, Zia; "The Role of Public Policy in Sustainable Infrastructure", in DERSIS, Kermal (*et.al.*) (*eds.*); *COP21 at Paris: What to expect: The issues, the actors, and the road ahead on climate change*, Global Development and Economics, Brookings Institution, Washington D.C., 2015, available online at <http://www.brookings.edu/~media/Research/Files/Reports/2015/11/16-paris-climate-talks/COP21atParis.pdf?la=en>, accessed in February 2016, pp. 19-21.

¹⁶⁵ SHEAR, Michael D.; "Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (New START)", in *The Washington Post*, 8 April 2010, available online at <http://www.washingtonpost.com/wp-dyn/content/article/2010/04/08/AR2010040801677.html>, accessed in February 2016.

¹⁶⁶ OBAMA, Barack H.; *op.cit.*, 5 April 2009, available online at <https://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered>, accessed in February 2016.

¹⁶⁷ OBAMA, Barack H.; *op.cit.*, 2 April 2009, available online at <https://www.whitehouse.gov/the-press-office/news-conference-president-obama-40209>, accessed in February 2016.

administration was also in favour of expanding the UNSC to India¹⁶⁸ and Japan¹⁶⁹ as permanent members. Still, these adjustments never materialised.

The fourth front was in America's changes in its Cuba policy, including re-establishing diplomatic relations for the first time since 1961, reviewing Cuba's label as a State Sponsor of Terrorism, and increasing travel and commerce between the two countries.¹⁷⁰

The fifth example included the diplomatic negotiations for the nuclear issues with the Islamic Republic of Iran. A comprehensive agreement was concluded in July 2015 between China, France, Germany, the EU, Iran, Russia, the UK, and the US addressing the Iranian nuclear programme and the gradual lifting of sanctions.¹⁷¹ In this respect, the US president had already reached out to Iran in 2009.¹⁷² Scholars such as James Livingston argue that the Iran deal denoted a fundamental shift for US foreign policy, because it indicated America's acknowledgement that if it wanted to face Iran, it had to move away from its primary focus on Israel in the Middle East:

The [...] legacy of this administration will be the "pivot" to Iran, away from Israel. Everything that has happened in the Middle East since 2001, including the unnecessary wars [...], has magnified Iran's importance from the standpoint of US national interests and, to the same extent, diminished Israel's significance.¹⁷³

The administration thereby sought to demonstrate to the people of the Middle East that the US had turned away from territorial interests in the Middle East, and concentrated now on diplomacy, as Obama explained:

At this point, America's core interests in the region are not oil, are not territorial. [...] Our core interests are that everybody is living in peace [...]. And that's going to be a big project, given what's taken place, but I think this [Iran framework deal] is at least one place to start. [...] there is no option, to prevent Iran from getting a nuclear weapon that will be more effective than the diplomatic initiative and framework that we put forward — and that's demonstrable.¹⁷⁴

¹⁶⁸ OBAMA, Barack H.; *op.cit.*, 8 November 2010, available online at <https://www.whitehouse.gov/the-press-office/2010/11/08/remarks-president-joint-session-indian-parliament-new-delhi-india>, accessed in February 2016.

¹⁶⁹ Japan's candidacy for permanent membership has enjoyed Presidential level support from four administrations: Nixon, Carter, Clinton, and George W. Bush. The Obama administration has announced support for India as an additional permanent member, leaving other potential configurations open for discussion. *Source*: McDONALD, Kara C.; PATRICK, Stewart M.; *UN Security Council Enlargement and US Interests*, Council Special Report No. 59, December 2010, Council on Foreign Relations, Washington D.C., available online at <http://www.cfr.org/international-organizations-and-alliances/un-security-council-enlargement-us-interests/p23363>, accessed in February 2016, p. 14 and 47.

¹⁷⁰ OBAMA, Barack H.; *Statement on Cuba Policy Changes*, Washington D.C., 17 December 2014, available online at <https://www.whitehouse.gov/the-press-office/2014/12/17/statement-president-cuba-policy-changes>, accessed in February 2016.

¹⁷¹ The White House, *The Historic Deal that will prevent Iran from acquiring a nuclear weapon*, available online at <https://www.whitehouse.gov/issues/foreign-policy/iran-deal>, accessed in February 2016.

¹⁷² OBAMA, Barack H.; *op.cit.*, 5 April 2009, available online at <https://www.whitehouse.gov/the-press-office/remarks-president-barack-obama-prague-delivered>, accessed in February 2016.

¹⁷³ LIVINGSTON, James; Quoted in *The New York Magazine*, *op.cit.*, 11 January 2015, available online at <http://nymag.com/daily/intelligencer/2015/01/53-historians-on-obamas-legacy.html#>, accessed in February 2016.

¹⁷⁴ OBAMA, Barack H.; Quoted in FRIEDMAN, Thomas L.; "Iran and the Obama Doctrine", in *The New York Times*, 5 April 2015, available online at http://www.nytimes.com/2015/04/06/opinion/thomas-friedman-the-obama-doctrine-and-iran-interview.html?_r=1, accessed in February 2016.

Finally, regional policies were approached diversely by the administration. While for Africa astonishingly no clear new focus was established¹⁷⁵, the US shaped the Asia-Pacific region not only by transferring military resources but also by finalising the Trans-Pacific Partnership (TPP)¹⁷⁶ and in Europe with the negotiations on the Transatlantic Trade and Investment Partnership (TTIP)¹⁷⁷.

Yet, the Obama administration was hesitant to have the US accept common international rules and obligations. Under Obama, the US neither joined the ICC nor the Ottawa Treaty to Ban Landmines. Still, the administration made commitments to ratify a series of international treaties: these were the CTBT, the UNCLOS and the UN Convention on the Rights of the Child.¹⁷⁸ Yet, the 2010 mid-term elections gave a blow to the administration's readiness, as it blocked the ratification of various treaties due to Republican opposition. Both the Iran nuclear deal and the climate change agreement of 2015 were however signed by Obama.¹⁷⁹

Yet, the Obama administration had the lowest score of all post-Cold War US administrations in treaty ratification, as Jeffrey Peake identified.¹⁸⁰ Under George H.W. Bush 61 treaties were submitted for ratification, while in the end 86% of those were ratified; under Clinton 187 treaties were submitted and 88% were ratified; under George W. Bush 97 treaties were transferred to Congress and 87% were ratified; while under Obama only 15 treaties¹⁸¹ were submitted and only 26% were ratified, as Figure 7 highlights. Only in the field of trade the hopes for a passage of TPP and TTIP were more positive.

¹⁷⁵ KLAY KIEH, George Jr.; "The Obama administration's policy towards Africa", in PARMAR, Inderjeet; MILLER, Linda B.; LEDWIDGE, Mark (eds.); *op.cit.*, loc. 5835-5838.

¹⁷⁶ TPP is a potential US trade pact with Asia and South America. It aims to increase growth in 12 countries in a trade zone covering 40% of the world economy through the deletion of tariffs. *Source*: Office of the US Trade Representative, *What is TPP?*, available online at <https://ustr.gov/tpp/#what-is-tpp>, accessed in February 2016.

¹⁷⁷ The aim of TTIP is to strengthen the economies of the EU and the US by removing or reducing barriers to trade and foreign investment. Some are concerned that TTIP could undermine governments' rights to regulate in the public interest. *Source*: Office of the US Trade Representative, *TTIP*, available online at <https://ustr.gov/ttip>, accessed in February 2016.

¹⁷⁸ SINGH, Robert S.; *op.cit.*, loc. 4814.

¹⁷⁹ NBC News, *Obama Signs Congress Review of Iran Nuclear Deal Bill Into Law*, 22 May 2015, available online at <http://www.nbcnews.com/storyline/iran-nuclear-talks/obama-signs-congress-review-iran-nuclear-deal-bill-law-n363476>, accessed in February 2016. / White House; *President Obama: The United States Formally Enters the Paris Agreement*, 3 September 2016, available online at <https://obamawhitehouse.archives.gov/blog/2016/09/03/president-obama-united-states-formally-enters-paris-agreement>, accessed in September 2016.

¹⁸⁰ PEAKE, Jeffrey S.; *The Domestic Politics of International Agreements during the Obama Administration: Presidential Unilateralism and Senate Obstruction*, Clemson University, Clemson SC, 2013. / Treaty List is available online at http://www.gc.noaa.gov/documents/gcil_bd_2009TreatyPriorityList.pdf, accessed online in February 2016. / PATRICK, Stewart M.; "More Treaty Gridlock: Another Impact of GOP Senate Takeover", in *The Internationalist*, Council on Foreign Relations, Washington D.C., 10 November 2014, available online at <http://blogs.cfr.org/patrick/2014/11/10/more-treaty-gridlock-another-impact-of-gop-senate-takeover/>, accessed in February 2016.

¹⁸¹ As of the end of 2013.

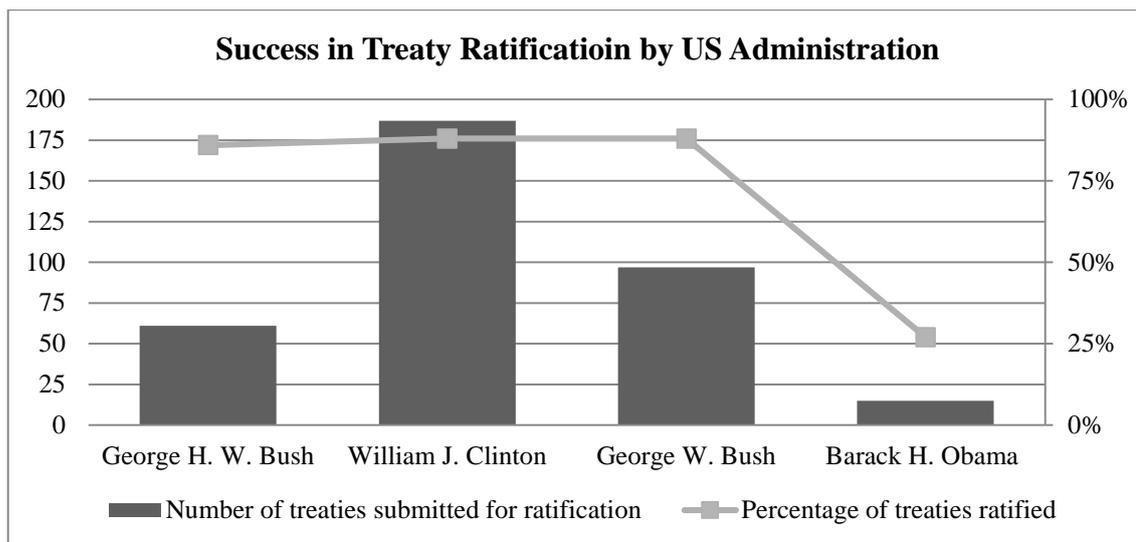


Figure 7 - Success in Treaty Ratification by US Administration¹⁸²

Figure 7 therefore shows that despite the Obama administration's apparent willingness to ratify international treaties even by Executive Agreements, the fractured Congress after the US midterm elections of 2012 hindered a successful passage.¹⁸³

The examination thus suggests that the US was both committed to the framework's element of 'International Society', as it both accepted and furthered international society's composition at the time. Obama's foreign policy also reflected this element in its actions, because the US under Obama shaped and influenced international society on various fronts, be it multilaterally with the climate deal and the Iran deal, be it bilaterally with trade deals, or the improvement of Cuban relations. International society and scholars mostly lauded America's commitment to this element, as it was able to find solutions to long-standing and complicated international issues like with Iran and Cuba:

Obama rejected [...] George W. Bush's policy of isolating "rogue states", recognizing that America's only hope for influencing isolated countries' behaviour was to engage directly with them [...], engagement has proved to be astonishingly successful, having led to historic openings, first to Myanmar and now to Cuba, while driving progress toward an enduring nuclear agreement with Iran.¹⁸⁴

On the other hand, the Obama administration confronted significant opposition in Congress to have important international treaties ratified. Albeit the Obama administration continually sought the ratification of multilateral treaties, only in the field of trade such agreements were likely to be accepted by Congress.

¹⁸² Own Compilation with Data from PEAKE, Jeffrey S.; *The Domestic Politics of International Agreements during the Obama Administration: Presidential Unilateralism and Senate Obstruction*, Clemson University, Clemson, 2013, p. 39. Data as of 2013.

¹⁸³ PEAKE, Jeffrey S.; *op.cit.*, p. 32.

¹⁸⁴ SLAUGHTER, Ann Marie; *Why engagement is the key to US foreign policy*, World Economic Forum, Geneva, 27 April 2015, available online at <http://www.weforum.org/agenda/2015/04/why-engagement-is-the-key-to-us-foreign-policy/>, accessed in February 2016.

Consequently the element of ‘International Society’ was only partially reflected in the administration’s foreign policy; its pronouncement was less manifest than the other elements. Still, the administration was more committed to influence and shape international society than the previous administration. America was also committed to this element, as it was also keen to ratify a series of treaties.¹⁸⁵ This indicates that the Obama administration’s foreign policy partially relates to the contents and the definition of ‘International Society’ of the framework.

5.6 Conclusion

The thesis’ framework explains that the foreign policy of the Obama administration can be considered mostly legitimate, because all of the framework’s elements were mostly to partially reflected in the administration’s foreign policy, as the thesis explained. Thereby the thesis illustrated that during 2009-2017, only the element of ‘International Society’ was reflected more weakly in the administration’s foreign policy. Under Obama, US foreign policy was characterised stronger by achieving international consensus, respecting the commonly shared international norms and values of the time and executing a moderate US foreign policy in terms of the use of hard power abroad. It seems that the foreign policy of the Obama administration conveyed a principle of hegemony that was broadly tolerable to most other states. Thus, the thesis framework based on the FRC approach illustrates that even though the administration’s foreign policy lacked a strong reflection of the element of ‘International Society’, the Obama foreign policy can be considered mostly legitimate.

Comparing US foreign policy under Obama to the one of his predecessors’ administrations, the examination reveals that Obama’s foreign policy can be considered mostly legitimate even though it mostly met and reflected only three elements of the framework, rather than almost four like in the case of the foreign policy of George H.W. Bush. Thus, this finding substantiates that the thesis’ framework based on the FRC approach is a useful tool to analyse US foreign policy in terms of international legitimacy, as it can consider the change of reflection of the various elements in US foreign policy.

The thesis explains that US foreign policy in the Obama administration can be interpreted as an endeavour to re-adapt and re-legitimize US leadership by adjusting it to a changing international order with a changing distribution of power and influence

¹⁸⁵ SCOTT, Shirley V.; *International Law, US Power: The US Quest for Legal Security*, Cambridge University Press, Cambridge, 2012, pp. 7-8.

among the major powers.¹⁸⁶ The Obama administration's leadership model consisted in applying a smart power strategy, i.e. with a return to diplomacy and cooperative engagement, with use of force as last resort. Thus, as Barry Buzan explained, the guiding assumption in the Obama foreign policy seemed to be that the US was less vulnerable by a decrease in material resources than by the ongoing challenge of re-legitimizing US leadership.¹⁸⁷ The Obama administration understood that a hegemonic role surpasses the only use of force; it needs that other states see America's hegemonic leadership as legitimate. As such, by trying to take on a leadership role in nuclear disarmament, non-proliferation issues and climate policy, the Obama administration demonstrated that it was committed as hegemon to build a global governance architecture better suited to deal with the main current global problems. Still, the Obama presidency also showed that in US foreign policy, multilateralism is barely more than decisive. Also under Obama, multilateral institutions were seen as useful when they helped to reduce the costs for the US and conferred legitimacy to US foreign policy actions, while not imposing restrictions on the US.

Thus, the thesis was able to show that thanks to the framework based on the FRC approach it is possible to understand that while not all elements characterising USIL were reflected in the administration's foreign policy in the same manner, Obama's foreign policy can be considered legitimate. Even if the norms of constitutionality, morality and legality were debated and challenged by international society in the Obama administration's foreign policy largely because of the drone strikes and the non-intervention in the Syrian conflict, the values such as reconciliation, multilateralism, diplomacy, humility, caution and pragmatism in Obama's foreign policy have strengthened the element's manifestation. Because the administration followed a 'light footprint approach', using force cautiously and intervening only when America's interest was at stake, US leadership and power were executed in a smart power way, combining hard and soft power and asking allies to contribute in sharing the burden. The administration actively used the UNSC as a vehicle to legitimise the use of force. It was also committed to diplomacy, multilateralism and the UN. Still, it also used ad-hoc partnerships in similar ways as the previous administrations did. The administration also significantly tried to influence and shape international society by the means of international initiatives and multilateral as well as bilateral agreements. In the field of committing the US

¹⁸⁶ QUINN, Adam; *op.cit.*, 2011, pp. 803–824.

¹⁸⁷ BUZAN, Barry, "A Leader without Followers? The United States in World Politics after Bush", in *International Politics*, Number 45, 2008, pp. 554–570.

to internationally legally binding rules in the forms of treaties, however, the Obama administration has the lowest score in advancing treaty ratification compared to the three preceding administrations.

Through the application of the FRC approach, it was again possible to show that the expression of the various USIL elements in the foreign policy of the 44th US President was mostly constant in the two terms. Only the element of ‘International Society’ experienced a slight drawback in the second term, because of the Republican majority in Congress, which hindered the administration to commit the US to various international legal instruments. Otherwise, the expression of the various USIL elements can be considered to have been continuous.

Thus, the thesis’ framework illustrates that the Barack H. Obama administration’s foreign policy can be considered mostly legitimate (see Table 11), because it reflected and mostly met three of the framework’s elements. The US under Obama was able to confirm its status as only remaining global superpower. Obama’s presidency further allowed the restoration of America’s image in the world but also illustrated the limits of America’s power and indicated that America could and would not be able anymore to be the indispensable superpower. As Nick Kitchen argued:

The [Obama] administration understood that American hegemony had been undermined by the perception of hard unilateralism, leading [...] to renew the diplomatic capacities necessary to manufacture legitimacy and organise consent.¹⁸⁸

¹⁸⁸ KITCHEN, Nick; “Hegemonic Transition and US Foreign Policy”, in PARMAR, Inderjeet; MILLER, Linda B.; LEDWIDGE, Mark (eds.); *op.cit.*, loc. 3148.

THESIS' FRAMEWORK FOR THE ANALYSIS OF USIL IN THE POST-COLD WAR ERA: Analytical Perspective: dynamic, evolutionary, based on the FRC approach	CONTENTS AND DIMENSIONS OF THE USIL ELEMENTS BASED ON TABLE 7	Foreign Policy of the George H. W. Bush administration	Foreign Policy of the William J. Clinton administration	Foreign Policy of the George W. Bush administration	Foreign Policy of the Barack H. Obama administration
	INTERNATIONAL VALUES AND NORMS (<i>Substantive</i>)				
	INTERNATIONAL ORDER (<i>Procedural</i>)				
	INTERNATIONAL CONSENSUS (<i>Procedural</i>)				
	INTERNATIONAL SOCIETY (-)				
	RESULT OF THE ASSESSMENT OF US INTERNATIONAL LEGITIMACY BASED ON THE SCALES IN TABLE 5 AND 6 (ACADEMIC/SCHOLARLY JUDGMENT):	MOSTLY LEGITIMATE	PARTIALLY LEGITIMATE	WEAKLY LEGITIMATE	MOSTLY LEGITIMATE

Table 11 - Matrix for the assessment of USIL in the Barack H. Obama administration's foreign policy-

6. CONCLUSION

Since the end of the Cold War, USIL has been questioned and debated. Scholars, politicians and international society each defined their own principles and elements USIL should be composed of. Still, this thesis has demonstrated that the attainment of USIL is complex and evolutionary. It illustrated that the elements USIL is composed of, depend on various factors and should not be regarded as static conditions, as they have to depict the historical and political environment they are grounded upon. Thus, the thesis produces the following results with respect to USIL for the post-Cold War era.

First, the thesis argues that USIL in the post-Cold War era is best analysed and understood through a framework consisting of four major elements: these are ‘International Values and Norms’, ‘International Order’, ‘International Consensus’ and ‘International Society’. Second, the thesis argues that the understanding of USIL evolved in the post-Cold War era and can be explained through the FRC approach. It illustrates that USIL in the post-Cold War era can be understood through recurring elements in US foreign policy. Still, these should not be regarded as static necessary and sufficient conditions, but are influenced by multiple different factors: including the contents, aims and means of US foreign policy; the actions of the US as dominant state of the international system; the international circumstances of the time; the relationships between states; the distribution of power; the international consensus existing at that time; the various political differences between the US administrations and the domestic support for US foreign policy. Third, the thesis shows that US foreign policy did not necessarily have to meet all elements of the thesis’ framework to be considered legitimate. Fourth, the thesis explains that in terms of USIL, there are differences between the US administrations: the foreign policies of the George H.W. Bush, and Obama administrations can be considered mostly legitimate, the Clinton administration’s foreign policy partially legitimate and the George W. Bush foreign policy weakly legitimate. Fifth, the thesis illustrates that for hegemonic states like the US, USIL acts both as a constraining and enabling component of US foreign policy. Finally, contrary to a various scholars in the literature¹, the thesis concludes that US foreign policy can be considered relatively legitimate in the post-Cold War era. This includes George W. Bush's foreign policy, which is regarded as weakly legitimate by the thesis, but which is considered as illegitimate by a substantial group in the current academic literature.

¹ Amongst others, Brzezinski (2003, 2007), Charlesworth and Coicaud (2009), Clark (2005), Daalder (2005), Egerton and Keating (2009), Ikenberry (2002), Ischinger (2007), Lee (2010), Lindsay (2011), Parmar *et al.* (2014), Tucker and Hendrickson (2004), Walt (2005).

One of the thesis' aims was to examine how USIL could be analysed and understood in the post-Cold War era. In this regard, the thesis produces its *first key finding* by arguing that USIL in the post-Cold War era is best analysed and understood through a framework consisting of four major elements: these are 'International Values and Norms', 'International Order', 'International Consensus' and 'International Society'. Thereby, the thesis provides the academic world with a novel framework to analyse the international legitimacy of US foreign policy. This framework is innovative, because it bases itself both on the characteristics of international legitimacy and USIL, as defined by various authors. Thereby it combines and complements the findings of various authors² such as Ferrero, Barker, Franck, Beetham, Hurd and Clark in terms of international legitimacy with those by Ikenberry, Gaddis, Kagan, Nye, Tucker and Hendrickson and Walt related to USIL to a common framework for the post-Cold War era.

The thesis also illustrates that this framework should be understood on the basis of Rapkin and Braaten's³ *Family Resemblance Concept* (FRC) approach. In doing this, the thesis explains that while various concepts, like USIL for example, may be characterised by recurring elements, those should not be regarded as static necessary and sufficient conditions, but are adaptive to the international context and consensus existing at a particular time. The thesis highlights that USIL comprises various secondary level characteristics, i.e. conditions under which multiple dimensions are substitutable for each other. The thesis was therefore able to create a nuanced, multidimensional, adaptive and flexible framework for the analysis of post-Cold War US foreign policy in terms of international legitimacy. Therefore, the thesis adds value to the current literature by expanding the works of Rapkin and Braaten on 'Hegemonic Legitimacy'⁴ by identifying the common elements of USIL and empirically applying them based on the FRC approach to the analysis of post-Cold War US foreign policy.

Another major objective of the thesis was to analyse if USIL did evolve in the post-Cold War era. The thesis thereby comes to its *second key finding*: the analysis of US foreign policy along the four elements shows that USIL was not static in the post-Cold War era, but that it evolved and was a dynamic process. The thesis' framework based on the FRC approach shows that USIL evolves, is multi-dimensional and has a remarkable intrinsic adaptability to international circumstances, the international con-

² Clark (2005), Beetham (1991), Barker (1990), Weber (1978), Tucker/Hendrickson (2004), Kagan (2004), Ikenberry (2002), Walt (2005).

³ RAPKIN, David P.; BRAATEN, Dan; *op.cit.*, 2009.

⁴ *Ibid.*

sensus in a specific point in time, is affected by the various political differences between the US administrations and is also subject to the domestic compliance or opposition with respect to US foreign policy that the various US administrations had to face. This framework supports what Beetham had established, i.e. that legitimacy is not a static formula, but is a dynamic process that may fluctuate depending upon the actions of the dominant. Therefore, according to Beetham, legitimacy is not “an-all-or-nothing affair”⁵. Thereby, the thesis also reaffirms the findings of Coicaud⁶, who is a strong supporter of the multidimensionality of legitimacy as well as of the conclusions of Beetham, who stated that “legitimacy is not a single quality that systems of power possess or not, but a set of distinct criteria, or multiple dimensions.”⁷ Finally, the thesis is also able to support one of Clark’s main findings that “legitimacy is a compound of various ingredients, an amalgam of sundry normative claims.”⁸

Thus, the thesis lays down that USIL is always specific, it is historically, politically and socially situated and it is a relationship. Thereby the thesis reaffirms various findings of the current existing literature⁹ on international legitimacy that highlight the evolutionary and dynamic nature of it and extends it to a comprehensive analysis of US foreign policy. The examination of the foreign policies from George H. W. Bush to Barack H. Obama explains that USIL was not only influenced by the aims, means and contents of US foreign policy, but also by the actions of the US as dominant state of the international system; by international society; specifically by the international circumstances of the time; the relationships between states; the distribution of power; the international consensus existing at that time; the various political differences between the US administrations and the domestic compliance or opposition with respect to US foreign policy that the various US administrations had to face. USIL is influenced by the historical context, mediated through a constant search for consensus and dependent on the relevant distributions of power. So, the thesis reiterates that consensus relates to legitimacy in the way that it allows international society to build a normative framework in which legitimacy evolves over time, as explained by Ferrero.¹⁰

In addition, the *third key finding* explains that while the foreign policies of the four US post-Cold War administrations never fully and identically reflected or met the

⁵ BEETHAM, David; *op.cit.*, 1991, pp. 41-54.

⁶ COICAUD, Jean-Marc; *op.cit.*, 1997, p.25.

⁷ BEETHAM, David; *op.cit.*, 1991, p. 20.

⁸ CLARK, Ian; *op.cit.*, 2005, p. 252.

⁹ BEETHAM, David; *op.cit.*, 1991, pp.41-54. / CLARK, Ian; *op.cit.*, 2005, p. 102. / BARKER, Rodney; *op. cit.*, 1990, p.32.

¹⁰ FERRERO, Guglielmo; *op.cit.*, p. 49.

framework's four elements (see Table 12), the FRC approach allows to argue that the foreign policies can be considered relatively legitimate nonetheless. Thereby the thesis essentially challenges what the scholars of USIL stated: their arguments essentially concentrated on the fact that those elements that they had identified as being a characteristic of USIL, had to be fulfilled or met completely for US foreign policy to be considered legitimate. This however, as the thesis demonstrates, is in sharp contrast to the evolutionary and dynamic nature of USIL for the post-Cold War era. In fact, the thesis explains that because the various US foreign policies have evolved and have met the various elements differently, the understanding of USIL in the post-Cold War era has evolved as well. Otherwise, the various US foreign policies would have had to meet all the same elements to be considered legitimate, which is exactly the contrary to what the framework, based on the FRC approach, illustrates in this thesis. Because US foreign policies were diverse under the various administrations, also their reflection of the framework's elements have been different. Nonetheless, the FRC approach allows to suggest that even though the George H. W. Bush, William J. Clinton's and Barack H. Obama administration's foreign policies might have been different in contents, means and aims; as long as they reflected and met some of the framework's elements, they can be considered legitimate. The foreign policy of the George W. Bush administration however was not only different in issues, means and objectives, but it also did not correspond to most of the framework's elements, with the exception of 'International Values and Norms' 'International Consensus' and 'International Society'. Through the application of the FRC approach, the thesis was able to highlight that there are differences in the levels of USIL between the various post-Cold War US administrations, with some satisfying more USIL elements than others. Thus, the framework allows the thesis to conclude that USIL evolved in the post-Cold War era, because US foreign policy never had to adhere to or meet the same elements in the same depth to be considered legitimate. Thus, USIL evolves and is a dynamic process along with the changing nature of the contents, aims and means of US foreign policy. This evolution or process is in turn influenced by international consensus, international circumstances and the relationship between states.

This evolutionary nature of USIL can be observed in the various US foreign policies studied in this thesis (see Table 12): While USIL had a weaker expression at the beginning of the 41st Presidency essentially because of the debates raised regarding the Panama and the Somalia interventions, USIL gained strength in the last years of the

George H. W. Bush presidency, essentially because of the exemplary management of the First Gulf War and America's stance with regard to the events, which followed the end of the Cold War. Thus, the Clinton administration came into office with the US demonstrating a high degree of USIL. Still, due to the 42nd presidency's actions regarding Bosnia, Kosovo, the non-intervention in Rwanda, as well as the unilateral airstrikes to Iraq and the legal and moral debates these interventions raised, USIL experienced a backlash during the Clinton administration. Still, at the end of the Clinton presidency, the US was still bestowed with international legitimacy. This fact changed abruptly when the George W. Bush administration was installed. The administration had already to fight a serious legitimacy crisis in the very first days of its terms, both domestically and internationally, first and foremost because of the unclear and contested result of the November 2000 presidential election. The administration's neoconservative stances, their actions after 9/11 and the moral issues linked to the treatment of prisoners and the use of force gave another severe blow to USIL. USIL however witnessed a gradual and slight improvement in the second term of the George W. Bush presidency essentially because the administration itself recognised the lack of USIL for its various foreign policy actions of the first term and tried to remediate those by reaching out to allies, including the UN in the foreign policy decision process as well as softening the tone with regard to the Global War on Terror. Yet, these actions were not able to compensate the crisis of USIL that was generated during the first term of the Bush administration. As a result, at the beginning of the Obama administration, the US was confronted with an international legitimacy problem and a negative image of the US abroad. The Obama administration acknowledged the importance of USIL right at the start of its terms and America's actions in foreign policy also slowly contributed to an improvement in USIL, especially through the moderation in foreign interventions, recommitting the US to the UNSC and engaging constructively with the rest of the world to solve global problems.

Thus, the thesis can support what Clark had highlighted, i.e. that "what changes and adapts over time is the consensus on what basis [i.e. in our case, the four elements] legitimacy is awarded."¹¹ Consensus should therefore be understood as source and effect of legitimacy. Further, the thesis also confirms what Barker explained, that the practice of legitimacy is complex, since it often relates to various elements, while not corresponding directly with any of these norms in particular.¹² It is instead mediated

¹¹ CLARK, Ian; *op.cit.*, 2005, p. 102.

¹² BARKER, Rodney; *op. cit.*, 1990, p.32.

through a political process of contestation and consensus building. This process, in turn is filtered through prevailing distributions of power. Thus, the thesis reaffirms that the procedural element of legitimacy reveals itself as “a search for what can reasonably be accepted by international society as a tolerable consensus on which to take action.”¹³ Consensus allows to build a normative framework in which legitimacy can evolve over time. Thus, the procedural element of legitimacy influences indeed the substantive definition of it. In addition, the thesis’ framework endorses the substantive element of legitimacy, which Clark defines as the values or which combination thereof are to be privileged at any one moment to confer legitimacy.¹⁴ By explaining that USIL evolved in the post-Cold War era, the thesis reiterates a finding of Clark that:

Legitimacy does not possess its [...] scale of values against which an action can be judged [...] legitimacy is international society’s aggregate instrument for seeking an accommodation between competing norms, and is essentially a political condition grounded in degrees of consensus about what is considered acceptable.¹⁵

The thesis substantiates Clark’s implication of “consensus about what is considered acceptable” by explaining that in the post-Cold War era, even if USIL can be conceptualised along the four identified elements, ultimately it is the degree of reflection of these four elements in US foreign policy that determines if the relevant foreign policy can be considered legitimate.

The central contribution of this thesis was to assess to what extent US foreign policy in the post-Cold War era can be considered legitimate from an academic/scholarly perspective. In this respect, the thesis argues (*fourth key finding*) that the foreign policies of George H. W. Bush and Barack H. Obama can be considered as mostly legitimate, because their foreign policies mostly reflected and met the framework’s elements. The Clinton foreign policy reflected and met the framework’s elements in a weaker manner, and can therefore only be regarded partially legitimate. Finally, the foreign policy of the George W. Bush administration only very limitedly conformed to the framework’s elements. Moreover, international society mostly contested George W. Bush’s foreign policy, because it did not correspond to the common understanding of international society on legitimate behaviour. Thus, the foreign policy of the George W. Bush administration can be considered only weakly legitimate.

¹³ CLARK, Ian; *op.cit.*, 2005, p. 25.

¹⁴ *Ibid.*, p. 3.

¹⁵ *Ibid.*, p. 219.

While under George H. W. Bush and Clinton, US foreign policy was characterised by the importance for a stable international order, the value of achieving international consensus, with some weight also given to the respect of international society's common values and norms and by shaping and influencing the international framework, this was not the case for George W. Bush's foreign policy. US foreign policy under Obama started to realign itself with the contents of the thesis' framework, but only through the elements of achieving international consensus and respecting the commonly shared international norms and values of the time. Thus, under Obama, US foreign policy was less about keeping the balance of power or influencing and shaping international society through multilateral, regional or bilateral policies.

The thesis' framework based on the FRC approach explains that all of its elements from 1989-2017 played a role in the various US foreign policies, but were never equally important. Specifically, under George H. W. Bush, all elements of the framework were mostly reflected in US foreign policy. The Clinton administration's foreign policy partially reflected the elements of 'International Values and Norms' as well as 'International Order'. The elements of 'International Consensus' and 'International Society' were mostly reflected. The foreign policy of the George W. Bush administration only slightly reflected the elements of 'International Values and Norms' and 'International Consensus'. The element of 'International Order' was not visible in his foreign policy and the element of 'International Society' was only weakly present. Finally, the foreign policy of the Obama administration mostly reflected the elements of 'International Values and Norms', 'International Order' and 'International Consensus'; 'International Society' played a weaker role. The framework moreover suggests that the elements of 'International Values and Norms' and 'International Consensus' seem to play a more important role for USIL because they were always present in post-Cold War US foreign policies. This is an interesting finding, because these elements are the ones highlighted in the Literature Review on International Legitimacy and on USIL in particular as being the most relevant, as Chapters 1.2 and 1.3 highlighted.

Thus, the thesis shows that the international legitimacy of the various US foreign policies differed not only in its degree of expression, but also in its characteristics and contents. Never have the four elements of the framework been identically mirrored and been present in the same depth in US foreign policy. Thus, the thesis indicates that for the post-Cold War era, the international legitimacy of US foreign policy must therefore be understood as an evolving and adapting phenomenon. This is a finding that has been

already highlighted by scholars of international legitimacy, like Clark, Barker and Beetham¹⁶, but has, apart from this study, so far never been thoroughly examined and substantiated with regard to the international legitimacy of US foreign policy.

Finally, based on the above and contrary to a large number of scholars in the literature¹⁷, the thesis concludes that US foreign policy can be considered relatively legitimate in the post-Cold War era (*sixth key finding*). This includes George W. Bush's foreign policy, which is regarded as weakly legitimate by the thesis, but which is considered as illegitimate by a substantial group in the current academic literature.

During the course of this study, the thesis has also tried to extract the importance and influence that USIL has both for US power and US foreign policy. In this regard, the thesis supports the view expressed by scholars like Lee¹⁸ that legitimacy and particularly USIL have to be considered as both a form of power as well as a constraint on power. USIL should therefore be understood either as enabling or as constraining factor for US foreign policy (*fifth key finding*). The thesis shows that USIL was an enabling factor for US foreign policy when the US acted in harmony with the expectations of good conduct by international society. The US was thereby eligible to suppose that other states grant greater rights and responsibilities in relation to international order.

The thesis explains that in conditions of hegemony, international legitimacy is only conferred or bestowed if the most powerful state provides an acceptable leadership. As a result, in the future, US power should express and correspond to a principle of hegemony that is broadly tolerable to most concerned and affected states¹⁹. The crux of the matter is therefore to set US power and US foreign policy in a context that is acceptable to a broad range of concerned states. US power currently bumps into substantial international hostility, but not because of US hegemony as such. Rather, because of the current existing failure to establish an acceptable principle of hegemony, embedded in a large international consensus, in which US power would be tolerably enshrined. USIL should be regarded as one instrument to create such an international framework in which US power could be acceptably enshrined. Otherwise, as Beetham explained the US can only remain a legitimate power by respecting the limits set to its power by the rules and underlying principles its power is grounded upon. Because legitimate power is

¹⁶ BEETHAM, David; *op.cit.*, 1991, pp.41-54. / CLARK, Ian; *op.cit.*, 2005, p. 102. / BARKER, Rodney; *op. cit.*, 1990, p.32.

¹⁷ Amongst others, Brzezinski (2003, 2007), Charlesworth and Coicaud (2009), Clark (2005), Daalder (2005), Egerton and Keating (2009), Ikenberry (2002), Ischinger (2007), Lee (2010), Lindsay (2011), Parmar *et al.* (2014), Tucker and Hendrickson (2004), Walt (2005).

¹⁸ LEE, Lavina R., *op.cit.*, 2010, Position 689.

¹⁹ CLARK, Ian; *op. cit.*, 2005, p. 255-256.

limited power one of the ways it loses legitimacy is when the powerful fail to observe its inherent limits.²⁰ In a nutshell: if US power and with it US foreign policy is stripped of legitimacy, its power and influence is diminished.

Finally, the thesis explains that USIL is an important feature in order to preserve and strengthen the power and influence of the US and its foreign policy. Once American foreign policy is seen as legitimate, American leadership as hegemon is recognized. As the thesis illustrates, when US foreign policy can be considered as being mostly legitimate, international society followed the majority of US foreign policy initiatives and the US was able to share the responsibility, as well as the costs and resources for the individual initiatives, with other countries. The US was accepted as a recognized leader and it was able to assert its influence, which was then mostly accepted by a majority of states. This was evident in the cases of the war in Iraq in 1991, the Yugoslavia wars in the 1990s, the intervention in Afghanistan 2001 and the Libya intervention in 2011. However, as soon as American foreign policy was no longer legitimate, international support for American foreign policy initiatives was denied. This was the case in the Panama intervention in the late 1980s, the air raids in Iraq in the 1990s, the Iraq war in 2003, and the drones' war under Obama. Therefore, the thesis shows that USIL is not only important for US foreign policy, but plays a fundamental role specifically for the exercise of American power. This especially because the US has been the only global superpower since the end of the Cold War. This hegemonic role therefore needs an international recognition in order to ensure America's ability to act and to enable a worldwide influence. A legitimate foreign policy strengthens the international leadership of the US. This, in turn, allows the US to exercise its power "justifiably" and this in turn enables it to influence international politics and relations. In the absence of USIL, it is not only the scope of American foreign policy that is limited but also the power exercised and the influence of the US as a whole. As Walt states:

Legitimacy matters because America's ability to elicit active cooperation from other states is impaired when others see the US position of primacy [...] – as undesirable, short-sighted or morally dubious. [...] foreign governments will find it more difficult to support US policy when their own populations regard the US (and its actions) as inherently illegitimate or questionable. [...] If US primacy were seen as broadly legitimate, then other States would be more likely to join forces with the US willingly and enthusiastically, based on the belief that doing so is 'the right thing to do'.²¹

²⁰ BEETHAM, David.; *op. cit.*, 1991, p. 35.

²¹ WALT, Stephen M.; *op. cit.*, 2005, pp. 177-178.

And Melvyn P. Leffler and Jeffrey Legro add:

The more that the rest of the world views US leadership as legitimate, the more likely they will be to cooperate voluntarily, the lower the costs of coercion will be, and the greater likelihood that the international community will attain the depth of cooperation required to address global problems. It follows from this logic that the United States can exercise legitimate leadership, and hence a legitimate foreign policy, by binding itself to international institutions and acting consistently with their rules and norms.²²

From the point of view of international society, USIL is also one of the few instruments that enables it to contain and influence the huge economic and military power of the US. In order to make America's excessive power more acceptable to international society, the granting of legitimacy to American actions is a means of making US power tolerable to a majority of states.

In this respect, various scholars have reiterated the importance of USIL for US foreign policy in relation to the exertion of American power in international relations. Kagan explained that the US "can neither appear to be acting only in its self-interest, nor can it, in fact, act as if its own national interest were all that mattered. Success will depend on the United States' ability to marshal legitimate authority that motivates others to follow."²³ And Fukuyama added that "other people will follow the American lead if they believe it is legitimate; if they do not, they will resist, complain, obstruct, or actively oppose what we do."²⁴ Finally, Kissinger stated basically "American power is a fact of life, but the art of diplomacy is to translate power into consensus."²⁵

The thesis further showed that the US was mostly willing, under the different administrations, with the exception of George W. Bush's, to exercise its leadership function to find solutions for the larger and more important global problems. This desire to deal with such problems as a hegemon and ensure that globally recognized and viable solutions can be found is also an element that will certainly play an important role in the future debate on USIL. As Brzezinski stated: "[...] America needs to shore up its international legitimacy by a demonstrable commitment to shared political and social goals."²⁶

²² LEFFLER, Melvyn P., LEGRO, Jeffrey; *To lead the World: American Strategy after the Bush Doctrine*, Oxford University Press, Oxford, 2008, pp. 45-46.

²³ KAGAN, Robert; *op.cit.*, 2003, p. 154.

²⁴ FUKUYAMA, Francis; "The Neoconservative Moment-Charles Krauthammer's 'Democratic Globalism' fails as a guiding Principle of Foreign Policy and creates more Questions than Answers", in *The National Interest*, 2004, p. 63.

²⁵ KISSINGER, Henry A.; "A Power in Flux", in *The Washington Post*, 9 July 2004, available online at <http://www.henrykissinger.com/articles/wp070904.html>, accessed in July 2017.

²⁶ BRZEZINSKI, Zbigniew, *op.cit.*, 2005, p. 43.

However, the current US administration under the 45th US President, Donald J. Trump, does not appear to be interested in this circumstance, and tends to a global understanding that can be summarized as ‘America First’. This re-focussing on national interests in foreign policy is supported by the political vision of ‘New Sovereignism’, but is in sharp contrast with the content and characteristics that are so important to USIL. Because a legitimate American foreign policy reinforces the global leadership role of the US, strengthens US power on a global scale, and increases America's influence in international politics, it is questionable whether the ‘America First’ policy is actually in the interest of America. Only what is legitimate will have an opportunity to be followed and respected at the international level, as the thesis shows. In the absence of USIL in American foreign policy, the scope for action for the US is narrowed, America's power is reduced, and the global influence of the US is constrained.

Still, the US should safeguard its USIL. Otherwise, it risks not only losing its power, but also its ability to influence world politics. As Reus-Smit stressed: “Effective influence depends on more than coercion, or the threat of non-participation; it depends on the degree to which a state's policies and practices are deemed legitimate by other states and international public opinion.”²⁷ Thus, since power is an attribute of a relationship, in the same way as legitimacy is a characterization of a relationship between states, as the thesis explained, in Hurrell's words “even the most powerful need to legitimize their power.”²⁸ Moreover, as Claude stated, “any political order needs to be legitimated if it is to have any staying power or be based on anything other than coercion.”²⁹ The thesis has identified that USIL has to be considered as both a form and constraint of US power and US foreign policy. Thus, while US Presidents like George W. Bush and Donald J. Trump might see America's international legitimacy as unnecessary because they regard the fundamental power of the US to lie in its ability to demonstrate and project strength, this thesis demonstrates that seeking and achieving international legitimacy actually leads to greater freedom of action for the US as its positions face less international resistance if they are deemed legitimate.

²⁷ REUS-SMIT, Christian, *op.cit.*, p. 4.

²⁸ HURRELL, Andrew; *op.cit.*, p.192.

²⁹ CLAUDE, Inis, *op.cit.*, 1971, p 41.

THESIS' FRAMEWORK FOR THE ANALYSIS OF USIL IN THE POST-COLD WAR ERA: Analytical Perspective: dynamic, evolutionary, based on the FRC approach	CONTENTS AND DIMENSIONS OF THE USIL ELEMENTS BASED ON TABLE 7	Foreign Policy of the George H. W. Bush administration	Foreign Policy of the William J. Clinton administration	Foreign Policy of the George W. Bush administration	Foreign Policy of the Barack H. Obama administration
	INTERNATIONAL VALUES AND NORMS (<i>Substantive</i>)				
	INTERNATIONAL ORDER (<i>Procedural</i>)				
	INTERNATIONAL CONSENSUS (<i>Procedural</i>)				
	INTERNATIONAL SOCIETY (-)				
	RESULT OF THE ASSESSMENT OF US INTERNATIONAL LEGITIMACY BASED ON THE SCALES IN TABLE 5 AND 6 (ACADEMIC/SCHOLARLY JUDGMENT):	MOSTLY LEGITIMATE	PARTIALLY LEGITIMATE	WEAKLY LEGITIMATE	MOSTLY LEGITIMATE

Table 12 - Summary of the USIL assessment for the post-Cold War era

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