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THE BUSH FOREIGN POLICY 2001-2003: UNILATERALIST THEORY IN A MULTILATERAL WORLD, AND THE OPPORTUNITY FOR CHANGE OFFERED BY IRAQ

MICHAEL J. KELLY*

It should come as no surprise that George W. Bush arrived in Washington in 2001 with the unilateralist approach to politics that got him twice elected governor of Texas, secured the Republican nomination, and paved his path to the White House. Thus, from his point of view, there was no good reason to abandon it upon moving into the Oval Office. No matter that it delighted only his political base and alienated everyone else, inside and outside the G.O.P.

It should also come as no surprise, therefore, that this political attitude lapped over into the foreign policy arena as a natural outgrowth of President Bush's basic philosophy. Such a simplistic, straightforward approach is certainly attractive, and easily sold to like-minded conservatives on whom the President relies heavily for political support; but it is unpersuasive in the arena of foreign relations and ineffective in the conduct of long-term foreign policy.

I. UNDERLYING THEMES

Two general themes, derived largely from his own persona, defined the foreign policy of Mr. Bush in the first half of his presidency: an unwavering insistence on viewing the world in terms of black and white, and a predisposition to "go it alone." These dual themes have not only informed the individual foreign policy decisions undertaken by his administration, for which much international criticism has been drawn, but have also guided America steadily into a position of disdain from the global community.

President Bush's self assurance in the rightness of his own decisions has translated into a take-it-or-leave-it approach to world affairs that frustrates America's allies and manages to achieve only short-term political/economic results at the expense of viable long-term solutions.

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Moreover, the constant management of foreign relations from the White House political staff and the Pentagon without State Department consultation has effectively stripped away Secretary Powell's ability to wrap foreign policy decisions in diplomatic parlance.

Thus, when a decision to withdraw from a treaty or to undertake military action is made, it is usually a surprise—presented in its rawest form for other governments to learn about on *CNN* or read in the *Herald-Tribune*. Multilateral consultation, careful diplomatic negotiation, constant follow-up by telephone, and exchange of notes (even if only for window-dressing) were hallmarks of his father's approach to world affairs. Such traditional approaches have been utterly discarded by G.W. Bush. Consequently, the themes that underly the approach of G.W. Bush ironically work to undermine his foreign policy as soon as it emerges.

A. The Monochromatic Perspective

The Clinton administration was heavily criticized for viewing the world in terms of moral relativism. The shades of grey that existed between dictatorships and democracies could be justifiably ignored in pursuit of larger aims like expanding the global economy and opening new markets; thereby laying the groundwork for greater political freedoms in the future. However, the aperture setting of the G.W. Bush administration filters out the grey, converting the political landscape of the world into highly contrasting extremes of black and white. Thus, while the previous president could be chastised for reliance on moral relativism, the current president can be equally recriminated for moral absolutism.

This predisposition to categorize states as supportive or unsupportive of America immediately divides the world into “us versus them” camps; the countries that fall into those camps change with the issue. Perhaps most damaging to this administration's ability to craft and carry out an effective foreign policy is its insistence on drawing up these categories before attempting to negotiate with states to switch sides, and then leaking where those states fall (on the right side or the wrong side). The supposition that states will switch on their own once they find out where they stand in order to remain on good terms with the United States belies the arrogance and amateurish approach to foreign affairs endemic in this White House.

It is this underlying theme that resonated in the well of the House of Representatives when President Bush identified the “axis of evil” as Iran, Iraq, and North Korea during his first State of the Union message.¹ This pronouncement undermined diplomatic inroads made with Iranian moderates and established the hard line he would take with North Korea—humiliating the South Korean president in the process, who was summarily sent home from Washington and advised to focus on Seoul’s economy.

To be sure, such a worldview was utilized during the Cold War, when much of the map fell into either the American or Soviet orbit. In a bi-polar world, with two superpowers dominating geopolitics, that worldview was practically forced upon successive presidents. The success of that policy was also mixed at best. True, America emerged victorious. However, the corrupt and bloody dictatorships Washington had to support in the process caused mass suffering and death in all regions of the world. Today, in the uni-polar post-cold war era, such a worldview is no longer necessary, and can only be supported on the basis of artificial pretext.

B. Unilateralism vs. Multilateralism

Unilateralism is a natural outgrowth of such a monochromatic world view. The internal logic of the “us versus them” standpoint dictates that the perspectives of “them” do not matter and, therefore, deserve neither consideration nor accommodation. The “them” category can be small, as in the case of the axis of evil, or it can be huge, as in the case of those states which support the Kyoto Protocol on climate change. Indeed, the fact that America may be the only country in the “us” category is not dispositive.

Unilateral decisions stem from the rock-solid belief in the rightness of one’s own cause. Such decisions can be informed ones, but more often emerge from closed-minded ill-informed or un-informed moralistic judgments. The decision-maker simply cannot fathom that his decision is wrong. Moreover, such an attitude fits nicely with a self-created and self-perceived persona of stoicism and strength. Unfortunately, this is the predominate attitude of G.W. Bush. His “go it alone” approach has manifested itself in myriad unilateral tendencies, both domestic and foreign, since taking office.

1. *President’s State of the Union Message to Congress*, PUB. PAPERS (Jan. 29, 2003).

Domestically, the biggest casualty was his party's loss of the Senate four months into his presidency. Senator Jim Jeffords, a moderate Republican from Vermont, specifically cited the cavalier and unilateral, non-negotiable stances of the White House and conservative wing of the party as driving forces in his decision to leave the G.O.P. and become independent but supportive of Democratic control of the Senate. Had Bush and his team been more inclusive even within their party, they would have continued to control both houses of Congress.

Internationally, such exclusionary tactics have wrought havoc on treaty-making. America is now prone to disengage rather than engage the world through international legal mechanisms. The disdain for treaties and suspicion of obligations contained in them clearly stems from a preference for greater flexibility through political oral agreements and understandings rather than legal documents.

And where pre-existing treaties run counter to the White House's political agenda, they showed no hesitation in terminating them. Almost immediately on coming to power, the Bush administration, in support of the energy sector that financed it campaign, formally withdrew from the Kyoto Protocol² to reduce global warming while simultaneously admitting that climate change was occurring. Without consulting any of the other parties to the agreement, an enraged outcry arose from Europe that could easily have been avoided. President Bush promised to fashion a better regime than Kyoto to address the problem. None has been forthcoming.

Shortly thereafter, the Pentagon determined that it would resurrect the Reagan-era dream of a national missile defense system in violation of the Anti-Ballistic Missile Treaty³ with Russia. Again, the other party to the agreement was not consulted, and an unnecessary foreign relations muddle was stumbled into. Eventually, the President persuaded Russia not to protest America's invocation of the treaty's termination clause; and six months later, ABM—long the cornerstone of arms limitation treaties, was dead.

The Rome Statute,⁴ a U.N. effort establishing the International Criminal Court, was next on the treaty hit list. President Clinton had signed the agreement just before leaving office. The new Court will try

2. Kyoto Protocol to the U.N. Framework Convention on Climate Change, Dec. 10, 1997, U.N. Doc. FCCC/CP/1997/7/Add.2, *reprinted in* 37 I.L.M. 22 (1998).

3. Treaty on the Limitation of Anti-Ballistic Missile Systems, U.S.-U.S.S.R., May 26, 1972, 23 U.S.T. 3435.

4. Rome Statute of the International Criminal Court, U.N. Doc. A/CONF.183/9 (July 17, 1998), *reprinted in* 37 I.L.M. 999 (1998).

war criminals and perpetrators of genocide around the world instead of on an *ad hoc* basis as with Rwanda and the former Yugoslavia. Bowing to pressure from social conservatives jealous of guarding America's sovereignty, Bush requested the United Nations to withdraw America's signature. He then directed his diplomats to negotiate individual bilateral treaties with as many nations as possible providing immunity from the Court's jurisdiction for Americans found within their borders. Twelve such bilateral treaties have since been signed.

The message that this government does not care what the rest of the world thinks has been demonstrated time and again. Its guiding philosophy is to achieve whatever short-term political gains it can. Because America's interests, defined by the White House, are paramount, consultation is a waste of time. The multilateral dynamic in solving global problems is irrelevant because multilateralism takes into account the interests and perspectives of all states. According to the Bush foreign policy, those interests do not matter; therefore, they will not be accommodated if it costs anything to do so.

Madeleine Albright, Secretary of State under President Clinton, once quipped that in international relations, "America is the indispensable nation."⁵ She was rightly and roundly chastised at home and abroad for such haughtiness. But under the Bush administration's foreign policy, America is the *only* nation.

II. THE WAR ON TERROR

Both themes outlined above are present in America's conduct of its War on Terror after the September 11th terrorist attacks. An ultimatum, known as the new Bush Doctrine, was issued to the world in general and to the Taliban in particular which led directly to the invasion of Afghanistan and indirectly to an assault on democracy abroad.

A. *Ultimatum & War in Afghanistan*

In his address to a joint session of Congress nine days after attacks on the Pentagon and World Trade Center, President Bush put forth his ultimatum:

5. Richard Gwyn, *Waiting for Blow to American Pride*, TORONTO STAR, Oct. 20, 1999, available at 1999 WL 24001022.

Every nation, in every region, now has a decision to make. Either you are with us, or you are with the terrorists. From this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime.⁶

There was no outcry against such a clearly unilateral stance. Governments around the globe would have backed almost any response to the atrocities of September 11th. Indeed, there was complete multilateral support for invading Afghanistan, toppling the Taliban, rebuilding that country and pursuing al Qaeda operatives—even among Islamic nations. Thus, due to the gravity of the situation, a coalition was easily formed around the core NATO countries that reacted in support of military action.

The ultimatum issued to the Taliban regime was no less absolute, and provided the basis for invasion of that country upon non-compliance:

[T]onight, the United States of America makes the following demands on the Taliban: Deliver to United States authorities all the leaders of al Qaeda who hide in your land. Release all foreign nationals, including American citizens Protect foreign journalists, diplomats and aid workers in your country. Close immediately and permanently every terrorist training camp in Afghanistan, and hand over every terrorist Give the United States full access to terrorist training camps, so we can make sure they are no longer operating. These demands are not open to negotiation The Taliban must act, and act immediately. They will hand over the terrorists, or they will share in their fate.⁷

Because the United States was clearly acting in self-defense after suffering a devastating armed attack, its unilateral, monochromatic response was accepted and in fact supported by the world community. Clearly, the scourge of terrorism drove this process just as other intolerable actions like genocide or slave-trading would have.

B. Assault on Democracy

The indirect result of America's war on terror was an assault on democracy. Foreign governments, wrestling with their own separatist or terrorist threats, interpreted the Bush Doctrine as giving them *carte*

6. *President's Message to Joint Session of Congress Responding to the Terrorist Attacks of September 11th*, PUB. PAPERS (Sept. 24, 2001).

7. *Id.*

blanche to use military force and suspend civil liberties to crush those movements—free from the repercussion of international condemnation.

President Bush appeared to encourage such an interpretation when he made a supportive appearance with Malaysia's *de facto* dictator, Mahathir Mohamed, in May 2002. The president praised that regime's muscular pursuit of terrorists while remaining silent on human rights abuses like indefinite detention of political prisoners and restrictions on press freedom.⁸ Indeed the president actually interrupted questions from the American press to shield Prime Minister Mohamed from a specific query about the jailing of his political opponent, Anwar Ibrahim.

This, together with Attorney General Ashcroft's multi-tier suppression of civil liberties in pursuit of terrorist suspects domestically, constituted a green light for other countries to do likewise. Consequently, Russia is using a freer hand to quash the Chechen uprising in the south while tamping down on freedom of the press, and China has renewed its persecution of radical Muslims in the troublesome western province of Xinjiang. Singapore has also joined the club of nations that hold terrorist suspects indefinitely without charges or trial.

Perhaps most troubling is the potential for suppression of newfound freedoms in Indonesia, a country struggling to foster a culture of democracy after decades of dictatorship. In November 2002, President Megawati Sukarnoputri, issued a decree granting her special police powers to capture and punish terrorist suspects, such as those responsible for the bombing of a resort in Bali. In fact, the Bush administration has been pressuring Indonesia, as well as Pakistan and the Philippines to toughen up their anti-terrorism programs and eradicate such elements from their countries—seemingly unconcerned about the negative implications for democratic values.

Regressive executive decisions without legislative input or media criticism were the order of the day in many of these nations. But returning to such practices without adequate public explanation and opportunity for debate only decreases the population's faith in democracy while increasing their cynicism that such freedoms are not permanent, and can be suspended without any accountability—judicial or otherwise. Thus, the short-term foreign policy gain for the United States of capturing terrorists

8. Thomas Corothers, *Promoting Democracy and Fighting Terror*, 82 FOREIGN AFFAIRS 84, 89-90 (Jan/Feb 2003).

comes at the expense of the long-term foreign policy aim of instilling stable democracies in parts of the world emerging from repressive regimes.

III. THE WAR ON IRAQ—A TURNING POINT?

In the summer of 2002, President Bush announced his policy of regime change in Baghdad, followed by the assertion that he needed no legal authority from either Congress or the United Nations to invade that country and topple Saddam Hussein.⁹ He relied on the logic that prior resolutions issued a decade ago from both bodies provided all the legal authority he needed to proceed. This initial position was completely in tune with the White House's *modus operandi* to date, and reflected the unilateralist influence of Defense Secretary Rumsfeld and Vice President Cheney.¹⁰

However, significant resistance from Secretary Powell within the administration together with former Secretary of State Baker, former National Security Advisor Scowcroft, and the president's own father stalled this initiative and he was persuaded to seek both congressional and U.N. approval before acting. This pivotal decision was a turning point in George W. Bush's thought process.

It was not only a victory for the multilateral approach, but also a mature acknowledgement that involvement of the broader world community and the United Nations would legitimize U.S. military action against Iraq. Moreover, the decision recognized that coalition and U.N. forces could play a critical role in post-conflict nation-building—thereby freeing the American military to pursue other objectives in its war on terror while simultaneously advancing long-term national interests of creating and stabilizing a nascent Arab democracy in the Middle East.

Consequently, National Security Advisor Rice and Secretary Powell prevailed upon the president to alter his definition of regime change. Under the new definition, a disarmed Saddam without access to weapons of mass destruction would constitute a new regime in Iraq. With this change in approach and a commitment to return to the Security Council if renewed weapons inspections failed for authorization to use force, Ambassador Negroponte was able to secure a 15-0 vote in favor of

9. Neil A. Lewis & David E. Sanger, *Bush May Request Congress's Backing on Iraq, Aides Say*, N.Y. TIMES, Aug. 29, 2002, at A1; Michael J. Kelly, *Gulf War Resolution Limits Options; President Needs New War Authority*, DET. NEWS, Aug. 28, 2002, at 11A.

10. Glenn Kessler, *U.S. Decision on Iraq Has Puzzling Past*, WASH. POST, Jan. 12, 2003, at A1.
https://openscholarship.wustl.edu/law_globalstudies/vol2/iss1/9

disarming Iraq that was actually supported by the Arab world.

Nevertheless, this shift in President Bush's foreign policy approach may prove fleeting. If Saddam breaches the U.N. resolution's compliance provisions and the Security Council finds itself unable to act in response, then the only way to move forward against Iraq would be unilaterally. The White House has recognized this possibility and provided itself a plausible rationale for doing so.

By arguing that the inherent right of self-defense allowed under the U.N. Charter includes the possibility of pre-emptive strikes, the administration is hedging its bets that the multilateral approach will ultimately work. However, such a return to unilateralism to achieve the short-term goal of removing Saddam from power would have potentially disastrous long-term effects.

In the process of resurrecting the long-disused anticipatory self-defense doctrine in his 2002 National Security Strategy, the president stripped away the old breaking mechanism of proving an "imminent threat" before striking so that it could be applied to Iraq—which is not an imminent threat. This was replaced with a much lower standard of simply showing an "emerging threat"—which Saddam's pursuit of nuclear weapons clearly is. If used, this watered down justification for aggression could be used by many countries against their neighbors in many contexts where an imminent threat cannot be shown but an emerging threat can be easily characterized.¹¹

IV. CONCLUSION

Whether abandonment of the unilateral theme underlying President Bush's foreign policy approach during his first two years in office is a permanent shift remains to be seen. However, one is cautiously optimistic that long-term national interests can now be vigorously pursued through a multilateral approach that builds international frameworks for dialogue to achieve lasting results. Even so, the monochromatic theme remains firmly in place—especially in the case of Iraq. While this may mitigate the positive influences of newfound multilateralism to some extent, it is an acceptable price to pay for achieving the larger aim of engagement rather than disengagement.

11. Michael J. Kelly, *Bush's Pre-Emptive Strategy is a Recipe for Chaos*, HOUSTON CHRON., Sept. 24, 2002, at 20A.