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Regional Economic Organizations, American Policy after the Arab Spring, Practices and War in Countering Terrorism, Oil as the Path to Institutional Change, Kenya’s Truth Commission, and Missile Defenses and Strategic Nuclear Arms Control

Prof. Leann Brown draws upon several theoretical literatures and empirical illustrations to explore the subject posed in the title of her article: “Why Regional Economic Organizations Take on Conventional Security Tasks.” After a brief discussion of the literature concerning organizational changes, critical junctures, and crises, she divides the literature of regional organizational change into publications that emphasize (1) structural and other power-related factors, (2) functional needs and institutional factors, and (3) cognitive and constructivist understandings. Dr. Brown concludes that structural and organizational-level factors provide both opportunities for and constraints on decision makers faced with a security threat. However, the decision to transform the regional organization from a predominantly economic actor into a conventional security one is most immediately influenced by decision makers’ perceptions of proximate threat and functional necessity.

Although rhetorically cordial as ever, the relationship between the United States and Israel underwent key changes in recent years, according to Dr. Khalil Marrar. In “Allies in Flux: American Policy after the Arab Spring,” he argues that with the Obama administration’s “pivot to Asia,” the “Arab-Spring-turned-Winter,” and geopolitical challenges from Russia and China in their respective zones of influence, the United States’ commitments to Israel and other Middle East allies—most notably Saudi Arabia and Egypt—have necessarily evolved under scrutiny and in light of changes in the global and regional strategic terrain. Furthermore, even though American policy remains susceptible to influence from a variety of domestic lobbying and public opinion pressures, international forces have once again proven preeminent in the ultimate American approach to world affairs. Dr. Marrar examines how changes in the prevailing order

have trumped America's commitments to its Middle East allies, most notably Israel, and traces how those alterations supersede and influence domestic politics surrounding foreign-policy decision making in the United States. This approach warrants a larger study, but the author focuses on the effects of the Arab Spring and Winter on the American policy calculus in the Middle East and the subsequent impact on political pressure groups representing Arab and Muslim-American interests.

In "A Different Type of War: Practices and War in Countering Terrorism," Dr. Christopher McIntosh posits that the United States is finding it difficult to successfully end what began as a war on terrorism and what the 2015 *National Security Strategy* describes as a war on al-Qaeda and its affiliates. He argues that some quality of the enemy has not caused this difficulty; rather, it stems from common practices associated with and expected when one engages in a strategy of war. By employing practice theory to understand US actions, the author identifies areas where challenges have arisen, maintaining that by looking at the normal practices of war for contemporary US strategy, we can begin to see many of the problems facing the United States in terms of finally winning the conflict with al-Qaeda. Specifically, our troubles result from trying to rectify what is normal or expected behavior in a war with what is most effective in addressing the threat posed by this terror organization and its affiliates.

In an unlikely scenario depicted in their article "Oil as the Path to Institutional Change in the Oil-Exporting Middle East and North Africa," Prof. Mohammed Akacem and Prof. Dennis D. Miller propose an oil privatization plan whose goal is to transfer oil wealth from the oil Middle East and North Africa governments to the citizens, thereby empowering the latter. The authors argue that oil by itself does not prevent the onset of transparent and accountable democracy. Rather, the lack of sound democratic institutions that enforce property rights, nurture independent judiciaries, and support the rule of law prevents good government from taking hold. Privatization would enable the flow of financial benefits to citizens directly from the extraction of petroleum and natural gas. Governments would then have to tax citizens to gain revenues and would have to clearly justify their expenditures so that citizens would allow reasonable taxation. This shift in power would be conducive to the establishment of democratic institutions that would increase transparency and likely reduce the waste and corruption so endemic in these resource-rich countries. Furthermore, it would foster peace within and between countries by lessening strife among ethnic groups for central control of the oil resources and thus reduce the need for US projection of power into the region.

Transitional justice and reconciliation measures have been expanded to address widespread social and economic injustices. In "Justice for Economic Crimes? Kenya's Truth Commission," Prof. Kimberly Lanegran assesses how Kenya's Truth, Justice and Reconciliation Commission (2008–13) operationalized its mandate to investigate violations of socioeconomic as well as political rights since 1963, summarizes its findings with particular attention to misallocation of land, and considers the political battle sparked by the report. She concludes that, first, investigating a broad range of human rights crimes can reveal convincing evidence of linkages between economic and political violations. Second, truth commissions, frequently incapable of assessing the veracity of individuals' testimonies, struggle to precisely identify the nature of the truth they

have “found.” Third, commissions’ heavy reliance on existing secondary sources and reports calls into question their unique contributions to justice. Finally, addressing economic violations may provoke vehement political backlash from officials implicated in long-standing and continuing economic violations.

In “Missile Defenses and Strategic Nuclear Arms Control: Technology and Policy Challenges,” Dr. Stephen J. Cimbala and Dr. Adam B. Lowther argue that the Russian annexation of Crimea and the subsequent destabilization of Ukraine contributed to a downward spiral in US-Russian nuclear arms control, along with disagreements between NATO and Russia over missile defenses deployed in Europe. Nevertheless, opportunities exist for strategic nuclear reductions between the United States and Russia following implementation of the New Strategic Arms Reduction Treaty (START). Either incremental or more ambitious post-New START reductions are theoretically possible within the confines of stable deterrence. In practice, modest reductions are more likely to survive the domestic politics of the United States and Russia. Missile defenses are wild cards in the nuclear arms control process, but they are far from game changers in technical terms. Their significance is as incubators of political mistrust—at least in Russia.

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Why Regional Economic Organizations Take on Conventional Security Tasks

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Given the level of intrastate and interstate violence currently plaguing the global arena, few people would dispute that security governance worldwide is insufficient.¹ Green Cowles expresses the situation succinctly by noting “a gap between the demand for governance and the supply of governance at the international level.”² In the immediate aftermath of the Cold War, a proliferation of literature suggested that regional organizations in cooperation with the United Nations (UN) represent the best hope for conflict amelioration around the world. Former UN secretary-general Boutros Boutros-Ghali discussed this idea in terms of democratizing the international community. He believed that regional organizations’ assumption of more responsibility would allow the UN to play a larger role in preventive diplomacy and become the instrument of last resort in conflict resolution. He averred that a multipolar world should be led by a multiplicity of institutions.³ Although the early post–Cold War optimism has been tempered by the scope of security challenges and institutional capacity shortfalls at the global and regional levels, regional organizations have increasingly become mainstays in global security governance. It is difficult to envision a contemporary situation in which a violent conflict would not result in some form of conflict management effort by a regional organization.⁴ New relationships obtain between states and markets, weakening distinctions between the public and private and between “internal” and “external/regional” security. Most conventional security threats now have the potential to become transnational and regionalized.⁵ That said, we would do well to recall that the tens of regional organizations are quite diverse in terms of their goals, capacity, and willingness to take on conventional security tasks.⁶ Why regional economic organizations (REO) decide to assume conventional security roles is an important theoretical and practical concern.

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This article draws upon several bodies of thought to explore this question. Firstly, all organizations are given to inertia and are reticent to change unless forced to do so. Among the organizational change scholarship, the critical junctures and crisis literatures are particularly relevant to considering why and how REOs change when faced with conventional security challenges. Multiple hypotheses and propositions have also been offered within the regional integration and organizations literatures to explain organizational decision making and change. Attempting to bring order to the discussion via categorization, scholars commonly discuss “clusters of factors,” including internal versus external factors, realist versus liberal versus ideational factors, and structural- and power-related factors versus institutional factors, among others.⁷ After a brief discussion of the organizational change, critical junctures, and crises literatures, this article will follow suit by dividing discussions of regional organizational change literatures into those addressing (1) structural and other power-related factors, (2) functional needs and institutional factors, and (3) cognitive and social factors. It is not possible to provide an exhaustive accounting of factors and discussion regarding each category; however, the article will outline some of the more salient possible explanations for why REOs undertake conventional security tasks. The theoretical and empirical literatures suggest that structural- and organizational-level factors provide opportunities and constraints on regional decision makers faced with a conventional security threat. However, to paraphrase Alexander Wendt, a security threat is what decision makers make of it.⁸ The decision to transform the REO from a predominantly economic organization into a conventional security actor is most influenced by decision makers’ perceptions of threat and functional necessity. Ideational factors such as humanitarian norms and regional identity are also often employed to legitimate taking on conventional security tasks.

Theorizing Organizational Change, Including the Importance of Crises and Critical Junctures

As noted, once created, formal organizations tend to take on a life of their own and are difficult to transform or destroy. In pursuit of their national and collective interests, states create intergovernmental organizations, after which the organizations, to varying degrees, constrain the creators’ and others’ choices and actions in the present and in the future. Treaties and other formal agreements codify the existence, form, and goals of organizations, reinforcing their stability and continuity by law. Thus, most organizational change is incremental. Such change may be defined as a shift in norms, goals, rules, enforcement procedures, and resource allocation such that different choices and behaviors are possible, encouraged, or constrained.⁹

The fundamental goals of REOs, such as promoting economic stability, growth, and integration, persist over time, but regional organizations are susceptible to major change when confronted with new security threats. Jorgen Moller contends that organizational change “is *overwhelmingly* the result of events or decisions taken during a short phase of uncertainty, in which the relaxation of structural influence on political agents open [*sic*]

up opportunities for a small number of powerful actors to generate lasting institutional change” (emphasis in original).¹⁰ Giovanni Capoccia and R. Daniel Kelemen concur that when actors are confronted with an unanticipated security challenge, structural factors constraining their choices are weaker than normal and that unanticipated organizational change can occur.¹¹

The literatures dealing with these unexpected security issues employ several terms to capture these phenomena, including *crises*, *critical junctures*, *decision points*, *turning points*, and even *unsettled times*.¹² Crises are defined as threats to the existence and/or fundamental interests of organizations that arise unexpectedly and give decision makers limited time to respond. Crises may be associated with the failure of existing political ideas, norms, and practices as well as a demand and search for alternatives. Security crises require decision makers to lexicographically prioritize conventional security items on their agenda, of necessity may reduce the number of factors they take into account, and legitimate organizational change and political action.¹³ Given the fear, stress, time pressures, and moral dilemmas involved, the foreign policy literature identifies several departures from instrumental “rationality” that may characterize crisis decision making, including “satisficing,” bureaucratic politics, and “groupthink.”¹⁴

Arising from historical institutionalism, organizational development is conceptualized by the critical junctures literature as characterized by relatively long periods of path-dependent stability punctuated occasionally by brief periods of organizational change. During critical junctures, more significant, long-term change is possible given that the choices close off alternative options and establish practices that generate self-reinforcing, path-dependent processes that are resistant to change. Critical junctures are situations wherein the organizational, political, economic, ideological, and cultural influences on political action are relaxed for a short period of time, resulting in the expansion of possible options available to powerful political actors and making the organizational consequences of their decisions potentially more momentous.¹⁵

James Mahoney defines critical junctures as “choice point[s] when a particular option is adopted among two or more alternatives.” He continues by noting that “once a particular option is selected, it becomes progressively more difficult to return to the initial point when multiple alternatives were still available.”¹⁶ This conceptualization emphasizes the importance of human agency and choice: “In many cases, critical junctures are moments of relative structural indeterminism when willful actors shape outcomes in a more voluntaristic fashion than normal circumstances permit. . . . These choices demonstrate the power of agency by revealing how long-term development patterns can hinge on distant actor decisions of the past.”¹⁷ Kathleen Thelen and Sven Steinmo concur that “groups and individuals are not merely spectators as conditions change to favor or penalize them in the political balance of power, but rather strategic actors capable of acting on ‘openings’ provided by . . . shifting contextual conditions in order to enhance their own position.”¹⁸ That said, structural, organizational, and ideational factors must be taken into account to understand actors’ range of possible options that contribute to organizational change.¹⁹ These factors are discussed below as clusters of structural and other power-re-

lated factors, functional needs and institutional factors, and cognitive and social factors explicated in the international relations, regional integration, and security literatures.

Structural and Other Power-Related Factors

We have suggested that in confrontations with a conventional security crisis, the importance of structural factors may be relaxed in the short term, but realists of various stripes emphasize the importance of structural factors in “shaping and shoving” states’ and inter-governmental organizations’ choices and actions in the anarchic global system.²⁰ Survival needs and national power interests are important to explaining the creation of and subsequent changes in regional organizations. When the state cannot achieve economic and/or conventional security autonomously, it will turn to balancing or bandwagoning in the form of short-term coalitions and alliances, or it will create more long-term arrangements like regional organizations.

Great powers on the global and regional levels may offer both positive impetus for or impede creation and change in regional organizations. In 1949 Lord Hastings Lionel Ismay, the first secretary-general of the North Atlantic Treaty Organization (NATO), famously summarized that its purpose was “to keep the Russians out, the Americans in, and the Germans down.” Similarly, “the common interest in alleviating great power pressure remained key” to explaining Denmark, Iceland, Norway, and Sweden’s creation of the Nordic Council in 1952.²¹ The Association of Southeast Asian Nations (ASEAN) was created in 1967 to offset great-power intervention in the region and to manage Indonesia’s expansionistic tendencies.²² Furthermore, the United States has actively encouraged regional integration in, for example, the case of the European Communities and clearly has served as the target for balancing in the creation of Mercosur.²³ Barry Buzan uses the term *overlay* to refer to one or more external powers moving into the region to suppress the indigenous regional security dynamics. However, regional organizations play a role in conditioning whether and how outside powerful actors are able to penetrate the region.²⁴

Neorealists understand regionalism as an effort of the most powerful state(s) in the region to manage and simplify the anarchical global system by combining with other states into more or less cohesive groups under its leadership. Each regional power seeks to maximize its wealth and extend its influence; however, territorial aggrandizement has been delegitimated since World War II. The role of the hegemon in these processes has been widely analyzed. Robert Keohane describes hegemony as a “preponderance of material resources,” meaning control and competitive advantage over raw materials, markets, capital, and knowledge and technology.²⁵ Robert Cox adds that hegemony is “dominance of a particular kind where the dominant state creates an order based ideologically on a broad measure of consent, functional according to general principles that in fact ensure the continuing supremacy of the leading state or states and social classes but at the same time offer some measure or prospect of satisfaction to the less powerful.”²⁶ Realists and hegemonic stability theorists argue that clear leadership is vital to the success of regional

projects. Uncertain or contested leadership creates instability and undermines regional cooperation. Hegemonic stability relies on the hegemon's willingness to bear a disproportionate share of the costs of providing collective security, act benignly toward its weaker partners, and support redistribution of the gains of integration. The roles played by Brazil in Mercosur, India in the South Asian Association for Regional Cooperation, Nigeria in the Economic Community of West African States (ECOWAS), South Africa in the Southern African Development Community, and the United States in the North American Free Trade Agreement are held up as examples of the importance of hegemonic leadership for regional cooperation. Although contemporary hegemonic projects are vulnerable to charges of "democratic deficits," hegemons can legitimize their leadership and orchestrate self-serving change if a credible threat is available or can be constructed.²⁷ It is often difficult to discern whether a regional hegemon leads the REO to undertake security tasks in support of regional interests, its own, or some combination of both. Iver Neumann observes succinctly that "perhaps there exists a general tendency for regional great powers to identify the region with their own sphere of interest."²⁸

Realists and liberals agree on certain hegemony stability assumptions, but liberals also emphasize the potential importance of systemic factors like complex interdependence, economic globalization, regionalization, and global governance (usually in the form of the UN) as explanations for the creation of and change in regional organizations. While one might conceptualize regional organizations as constituting one aspect of global governance, the creation of regional organizations may to some extent be regarded as a consequence of the failure of global multilateralism, in many instances the failure of the UN to guarantee security.²⁹ In a significant number of instances, regional organizations have taken on security tasks because of the UN's failure to act. However, the role of the UN in encouraging, supporting, and legitimating such assumption of security functions should not be underestimated.³⁰ The creation or change of regional organizations for the purpose of undertaking new tasks may also provide a model or encouragement for other regions to become more integrated and/or take on additional tasks. However, analyses of structural conditions like globalization and regionalization have difficulty providing detailed insights and explanations of specific actors' choices and behaviors within the context of discrete security crises. Arthur Stein contends that structure does not determine states' choices but that structural indeterminacy heightens the importance of bargaining and strategic choice.³¹ Morten Bøås and his colleagues recommend focusing analytical attention on how actors perceive their security reality and how they seek to deal with it.³²

Functional Needs and Institutional Factors

Several propositions in the literature relate to instrumental or functional explanations as to why regional economic organizations take on conventional security tasks, including the following: (a) regional decision makers accept the premise that regional economic organizations are the most effective and efficient agents of conflict amelioration; (b) fol-

lowing neofunctionalist (and to some extent historical institutionalist) logic, regional decision makers believe that their economic objectives cannot be achieved without political stability and security in the region (“natural spillover”), and/or the organization’s successful pursuit of economic objectives encouraged decision makers to assume security functions (“cultivated spillover”);³³ and (c) regional organizational leaders frame issues in terms of regional rather than national solutions and commonly seek to expand their organizational remit.³⁴ Buzan summarizes these functionalist arguments:

First is the natural overspill between sectors, second is the way that policy-makers tend to integrate issues into a single security picture, and third, in some places, is the existence of regional institutions that will try to make issues fit within their own geopolitical framework.

This linkage is particularly clear in the economic sector, where what on the surface appears to be economic regionalism is in fact substantially driven by political and cultural motives; what seems to be economic security is in fact about political stability, military power or cultural conservation. The same logic of linkage and overspill also applies to the environmental sectors, even though its dynamics are rooted in the physical world.³⁵

Several often-cited, interrelated theoretical advantages of regional organizations’ assumption of security tasks relative to external great powers or the UN include the following:

1. regional organizations are more effective in conflict amelioration because of their in-depth understanding of the conflict while external powers and the international community may have difficulties identifying and understanding the motives and actions of combatants in complex situations;
2. a shared history, cultural heritage, and regional identity make regional actors’ diplomatic engagement more acceptable to citizens in the contributing states and to combatants and civilians in the country of conflict;
3. regional organizations have stronger incentives to foster long-term stability because of geographical proximity, the potential for negative spillover from the conflict, and economic interdependence; and
4. consensus for action may be easier to achieve among members of the regional organization than in the UN with its larger and diverse membership and great-power dominance in the Security Council.

Each of these arguments for the effectiveness of regional organizations in addressing conventional security issues can be undermined by contextual concerns. Regional organizations may have greater in-depth understanding of a conflict relative to external great powers or the UN, but intimate knowledge and proximity may also convey disadvantages. Neutrality is generally assumed prerequisite for effective diplomatic mediation, and regional organizations’ associations with, intimate knowledge of, and proximity to the conflict may preclude their actual and/or perceived neutrality in the struggle. Mary

Spear and Jon Keller assert that “regional organizations tend to be perceived as partial to one side or another in many regional conflicts.”³⁶

The second argument supporting regional diplomacy also relates to effectiveness and legitimacy issues. Some posit that combatants and the citizenry may find it easier to accept external mediation from regional actors. Paul Diehl writes, “People in governments and regions have a natural affinity with those in that geographic area and an inherent suspicion of what they perceive as outside intervention.”³⁷ It is paramount that all parties trust and accept the diplomatic interlocutors and/or military intervention; otherwise, they can easily become another party among the various warring factions. However, greater legitimacy deriving from a shared culture among regional actors is not available in cases of mixed ethnicity, colonial heritages, and historic enmities.

At the end of the day, the resources, capacity, and legitimacy of the regional economic organization itself may encourage expanding its agenda to include conventional security concerns. The liberal institutionalist literature explains how, over time, organizational structures may foster reciprocity, reduce incentives to free ride, build trust, and socialize participants to the degree that a common identity is cultivated.³⁸ Michael Barnett and Martha Finnemore add that “[international organizations] can become autonomous sites of authority, independent from the state ‘principals’ who may have created them because of power flowing from at least two sources: (1) the legitimacy of the rational-legal authority they embody, and (2) control over technical expertise and information.”³⁹ However, REOs among less developed countries may lack the material resources, institutional legitimacy, and expertise to take on conventional security missions successfully.

Cognitive and Constructivist Understandings

Since the “third debate” beginning in the late 1980s and the subsequent strengthening of constructivist thought in international relations, several variants of cognitive and socially oriented literatures challenging materialist, rationalist, and individualist approaches have emerged to generate understandings regarding REOs’ assumption of conventional security roles.⁴⁰ These approaches raise ontological questions concerning, for example, the separation of subject and object, structure and agent, “facts” and values, state centrism, and rationalist epistemologies. Rather than accepting ideas, interests, and identities of leaders, states, and REOs as preexisting or given, one conceptualizes these factors as constructed in social interaction. Fredrik Söderbaum writes that “agency is often motivated and explained by ideas, identity, accumulation of knowledge and learning rather than by traditional routines, structural factors or established institutions.”⁴¹ Proponents of these perspectives look to ideas, norms, ideology, culture, learning, discourse, and/or identity for understandings as to why REOs undertake conventional security tasks.

Judith Goldstein and Keohane define norms as principled ideas and beliefs that “translate fundamental doctrines into guidance for contemporary human actions.”⁴² Norms like economic liberalism, reciprocity, fairness, regionalism, and democracy are

embedded in regional economic organizations in the formal and informal processes by which organizations are created and organizational rules are made, implemented, and revised. They are also the foundations legitimating the political processes, organizations, rules, and policies.⁴³ Value and norm consensus is a very powerful source of states' and other actors' support for and compliance with organizational rules and policies beyond what rational choice theorists would predict, given the material benefits and costs. A commitment to ideas, values, and norms such as humanitarianism and human rights may encourage regional leaders to take on conventional security tasks when faced with egregious violations of human rights or violence against regional citizens. Bjorn Hettne points out that the powerful values and norms involved are often universal and that the region serves as a temporary platform for promoting universal values like humanitarianism.⁴⁴

Ideas, values, and norms interact with power, functionalist, and identity and other cognitive factors as sources of organizational change. Ideational-, value-, and norm-based change occurs when the new ideas coincide with the perceived interests of actors empowered to make decisions. The ideas and norms may solve pressing political problems, shape actors' perceptions of their interests and the strategies, and legitimate some forms of political action while delegitimizing others. Change usually assumes the form of a reinterpretation rather than a complete redefinition of norms. As previously discussed regarding crises, timing is an important consideration in this analysis. A crisis challenging the REO's ontological security may undermine the legitimacy of its ideational and normative framework and necessitate a search for alternatives.⁴⁵ Scholarly analysis of the influence of norms must identify their specific aspects that render them politically salient in the time frame when political decisions are being made and ascertain why and how political actors associate particular norms with particular political action.⁴⁶

The importance of norms is often discussed in relation to ASEAN's "ASEAN Way," which distinguishes it from other regional organizations. Preservation of state sovereignty and noninterference in the internal affairs of partners are paramount norms reiterated in successive formal agreements by the relatively young states. However, the ASEAN Way also includes the Malay cultural practices of consultation (*musjawarah*) and consensus (*mufakat*) in problem solving and decision making rather than argumentation and negotiation. If a problem arises, members habitually table the issue and proceed with consultation in other areas. This explicit code of conduct seeks to contain disputes among the disparate member states and, over time, to inculcate the norms into regional standard operating procedures if not a regional identity. Confidence-building measures are the policy instruments of choice, including disseminating military white papers, registering arms and disclosing arms exports, and conducting the routine high-level visits among ASEAN military officials.⁴⁷

The importance of norms and identity has also been discussed in relation to ECOWAS's military intervention in the Liberian civil war in the early 1990s. Emmanuel Kwesi Aning argues that some (continental) African values and norms incline West Africans to undertake the role of "each other's keeper" based on the need to control unanticipated events. He informs that this response to crisis is based on the African philosophy

(in the Akan language) “*se wo yondo sese reshye, na se wamoa no andum ogya no a , etra ba wo dea ho,*” which articulates an active, positive engagement to assist a neighbor whose hut is on fire to prevent it from engulfing one’s own property. In Swahili, this norm is expressed as “*zima moto, usihoji aliyechoma*” (first put out the fire, and then sit down to ask who started the fire). The “fire” may refer to actual fire or problems such as internal conflict. The Somalis espouse similar philosophies regarding neighbors: “*Guriga ma gadine, jaarkiis baan agay*” (if you buy a house, you also “buy” the neighbors); “*Walaal ka fog deriska ku dhaama*” (better a close neighbor than a distant brother); and “*Guryihii usu dhow baa is guba*” (the huts close together will be destroyed by fire). These norms diverge significantly from the Westphalian diplomatic and legal norms of state sovereignty and nonintervention.⁴⁸

Sufficient evidence to support these normative (African neighborly solidarity, humanitarianism) explanations of the intervention relies on demonstrating that ECOWAS leaders believed that the Liberian conflict required a neighborly response and posed an immediate threat to spreading to neighboring countries—and/or they were moved to act by the violence and humanitarian crisis under way in Liberia. From the beginning, these leaders explained and justified the intervention on humanitarian grounds. Mae King explains that they regarded Liberians as fellow West Africans and that “the wanton destruction of lives and property; the displacement of people and the incidence of starvation were too much to bear for the members to sit idly by and watch.”⁴⁹ A leading ECOWAS official stated that the organization’s military operation was established “as a result of the seeming concern for the loss of lives and property of fellow Africans. This to my mind remains so. Fellow Africans albeit at a sub-regional level, will continue to feel for their brothers in dire straits like the Liberian debacle.”⁵⁰

Constructivists are also interested in how issues become “securitized,” necessitating and legitimating a military response. An issue is securitized via discourse when political, economic, and/or intellectual leaders speak about it in terms of its posing an existential threat to some valued referent and garner the attention of the state, general public, and/or regional actors. Securitized threats necessitate and legitimate extraordinary political measures and actions like the use of force; secrecy; additional powers accruing to the executive, intelligence services and/or military; and other activities that might otherwise be regarded as inappropriate or illegal.⁵¹ Buzan informs that perceptions and securitization processes may constitute a “regional security complex,” which is “a set of units whose major processes of securitization, desecuritization, or both, are so interlinked that their security problems cannot reasonably be analyzed or resolved apart from one another.”⁵² A “regional security complex” falls short of but shares some characteristics with Karl Deutsch’s “pluralistic security community,” discussed below. Bøås and his colleagues contend that West Africa is an empirical example of a regional security complex, but despite the assertions of ECOWAS exponents, it is not a “security community in the making.” Rather, informal networks, conflict, and wars that emerge around and out of these networks serve as the integrating security mechanism in West Africa.⁵³

Constructivists inform that a “region” (like the “state” and “nation”) is an “imagined community” constituted by juxtaposing identity discourses of the Self and Other/s.⁵⁴ Regional leaders may or may not consciously envisage creation of the regional organization as the first step toward producing a political identity. However, region builders’ discourse often portrays the regional project as “natural” and offers an ideology of regionalism. Shared histories, cultural similarities, and/or social ties are not in themselves relevant but are made salient by political actors to serve their purposes. Neumann writes that “where a region has been part of a discourse for so long that it is taken as a given fact, the approach can show that structures which may at first sight seem to be inevitably given, will remain so long as they are *perceived* as inevitably given” (emphasis in original).⁵⁵ Individuals and groups have no single, static identity—identities are multiple, flexible, and always evolving.⁵⁶ Identities may be manipulated by political and economic elites, but identity discourses may also “pattern” political interest articulation in nonintentional and unanticipated ways. How the regional identity is constituted may have a major impact on how regionalization proceeds and whether the REO decides to take on conventional security tasks.

In addition to “region builders” or leaders who seek to create and/or promote an ideology of regionalism (Jean Monnet comes to mind), other internal processes of creating a regional identity or community occur when the organization fosters and promotes communication, the convergence of values and norms, and reciprocity and trust throughout the region. Convergence, socialization, and integration may occur in the economic, political, and security realms such that what Deutsch and his colleagues refer to as a “pluralistic security community” is created. Citizens in such a community share common interests, trust, empathy, and “a sense of community.” They believe “that common social problems must and can be resolved by processes of ‘peaceful change,’” defined as “the resolution of social problems, normally by institutionalized procedures, without resort to large-scale physical force.”⁵⁷ “We” feelings may instigate and legitimate regional military intervention on behalf of fellow citizens. Hettne writes that “crucial areas for regional intervention are the prevention and handling of region-wide natural catastrophes and emergencies, conflict management and conflict resolution and creation of welfare in terms of improved regional balance between different areas.” He opines that collective identity is underestimated in theories of regional cooperation.⁵⁸ Regional integration commonly attributed to hegemonic leadership based on power asymmetries and dominance may be more related to effective political and/or moral leadership, the acceptance of a common set of norms and ideologies, and/or the construction of a common identity among the hegemon and its subordinates.⁵⁹

As was noted, a strong regional identity is likely created in relation to external partial and/or radical “Others.”⁶⁰ For example, the European Communities’ identity has been forged in relation to its Partial Other (and ally), the United States, and the Soviet Union/Russia—a more Radical Other.⁶¹ For several decades, the European Communities sought to distinguish itself from the United States by fashioning its security identity around the Petersberg tasks as a global “civilian power” without a legacy of wars, colonial-

ism, or power aspirations and/or as a “normative power,” leaving the use of heavy military force and compellence to NATO.⁶² Its strongest and most consistent contributions to security centers around conflict-preventive policies such as preferential trade agreements, financial and technical aid, and bilateral and interregional cooperation.⁶³ Perceptions of an existential threat from a Radical Other heighten awareness of distinctions between the Self and Other and strengthen feelings of community. An often-cited example of an articulation of the power of Partial (the United States) and Radical (the Serbs) Others to strengthen perceptions of the Self is the announcement that “the hour of Europe has dawned” at the end of the war in Slovenia in 1991 by Jacques Poos, foreign minister of Luxembourg and holder of the European Communities Council presidency at the time.⁶⁴

Lively debates persist over the degree to which pluralistic security communities can be found outside NATO. Emil Kirchner opines that “Europe’s societies and citizens have not made the transition to a post-national identity that would complement post-Westphalian policy arenas, compellence and protection.”⁶⁵ However, Kirchner and Roberto Dominquez continue that “the EU [European Union] has successfully created both formal and informal authority structures, *enabled states to positively identify with one another in security terms*, acted as a socializing agent both for its members and for aspirants and non-members in the region, and encouraged normative notions of good and democratic governance” [emphasis added]. . . . There is deep amity derived from collective identity where the regional norms have been internalized and the security dilemma has been superseded.”⁶⁶ Internal threats have been eliminated within a pluralistic security community, and when an external threat emerges in the “neighborhood” or farther afield, regional economic organizations cum pluralistic security communities face fewer obstacles to taking on conventional security tasks.

Conclusions

This study has reviewed some literatures associated with why regional economic organizations assume conventional security tasks. This inquiry is important because intrastate and interstate conflicts persist in the absence of effective global security governance. Several organizational-structure and resource-based impediments prevent the UN from providing robust conflict amelioration, and regional organizations are increasingly called upon to step into the breach.

Theory and illustrative empirical cases make clear, however, that intergovernmental organizations are slow to change and only do so abruptly when confronted with some form of “crisis.” This article has explored several systemic-level factors such as REOs’ need or desire to balance or bandwagon hegemonic interests and leadership; however, when decision makers face a crisis, structural factors are relaxed in the short term, and they have more agency to act on their own interests, norms, perceptions, and identities.

The second cluster of factors considered is functional and institutional in nature. Several propositions relate to why regional organizations are likely more effective and efficient in conflict amelioration relative to the larger UN. The fact that states in the re-

gion are immediately vulnerable to both the spread of violence and negative economic consequences of conflict in the region provides strong incentives for regional leaders to take on the challenge of amelioration. REOs may undertake conventional security tasks on the assumption that their original goals of economic cooperation and growth cannot be attained in a conflict-ridden milieu. A significant deterrent to REOs' assumption of conventional security tasks in less-developed countries is their lack of military assets relative to more developed countries and the UN. In these instances, regional leaders may prefer assistance from external great power(s) or the UN to deal with the security threat and take on the security tasks only when external assistance is not forthcoming.

The final cluster of factors considered to contribute understanding to why REOs may undertake conventional security tasks relates to cognitive and social factors as espoused in the constructivist literature—including norms, discourse, and identity. Scholars of various stripes concur that consensus regarding and commitment to values and norms is a powerful factor that prompts actors to undertake behaviors inexplicable within rational materialist calculations. The most salient example of this norm is humanitarianism.

The constructivist literature has much to offer with regard to how “regions” are imagined, how issues become “securitized,” what the concept of regional security complexes entails, and how regional identities may be created to the extent that regional citizens trust, feel sympathy, and share common interests, making violent conflict virtually impossible. “We” feelings are sufficiently strong that a security challenge to one is regarded as a threat to all. Scholars agree that although members of NATO and the European Union offer evidence of a pluralistic security community relative to internal threats, only in the last 20 years has the European Union approached this level of integration relative to external threats.

One can make the case that each cluster of factors interacts to provide understanding of why REOs decide to take on conventional security tasks, but structural- and organizational-level factors offer opportunities and constraints on regional decision makers faced with conventional security threats. However, to repeat the earlier Wendt paraphrase, a security threat is what decision makers make of it.⁶⁷ The decision to transform the REO from a predominantly economic organization into a conventional security actor is most immediately influenced by decision makers' perceptions of threat and functional necessity. Other ideational factors such as humanitarian norms and regional identity may also be employed to legitimate taking on conventional security tasks. The circumstances and mix of factors associated with each empirical case varies, and in-depth analyses will yield a case-specific matrix of explanations and understandings.

Notes

1. During the Cold War, security studies focused on the geopolitical protection of the state, dichotomizing the discussion in terms of conventional and nonconventional military threats, strategies, and weaponry. Nonconventional security concerns commonly addressed nuclear, chemical, and biological threats. Since the 1990s, however, the referents to be protected have been widened to include individuals. Threats to human

security might include poverty; health and environmental challenges; identity, including gender discrimination; crime; and cyber attacks. See Lloyd Axworthy, "Human Security and Global Governance: Putting People First," *Global Governance* 7 (2001): 19–23; Gary King and Christopher J. L. Murray, "Rethinking Human Security," *Political Science Quarterly* 116, no. 4 (Winter 2001): 585–610; and Roland Paris, "Human Security: Paradigm Shift or Hot Air?," *International Security* 26, no. 2 (Fall 2001): 87–102. Regional economic organizations seek to facilitate member-state and regional economic growth, development, and integration, contributing to states' and individuals' economic security. Thus, this article tacitly explores relationships between economic and military security.

2. Maria Green Cowles, "Intergovernmental Organizations: Global Governance and Transsovereign Problems," in *Beyond Sovereignty: Issues for a Global Agenda*, 3rd ed., ed. Maryann Cusimano Love (Belmont, CA: Thomson/Wadsworth, 2007), 47.

3. Benjamin Rivlin, "Regional Arrangements and the UN System for Collective Security and Conflict Resolution: A New Road Ahead," *International Relations* 11 (August 1992): 95–110.

4. Rodrigo Tavares, *Regional Security: The Capacity of International Organizations* (New York: Routledge, 2010).

5. See Robin Luckham, "The Discordant Voices of 'Security,'" *Development in Practice* 17, nos. 4–5 (2007): 682–90.

6. The World Trade Organization provides a list of and basic information on bilateral and multilateral trade agreements in force, including those creating regional economic organizations. See "Welcome to the Regional Trade Agreements Information System (RTA-IS)," World Trade Organization, accessed 15 September 2015, <http://rtais.wto.org/UI/PublicAllRTAList.aspx>.

7. See Fredrik Söderbaum, "Introduction: Theories of New Regionalism," in *Theories of New Regionalism: A Palgrave Reader*, ed. Fredrik Söderbaum and Timothy M. Shaw (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2003), 16; and Xymena Kurowska, "Introduction: The Role of Theory in Research on Common Security and Defense Policy," in *Explaining the EU's Common Security and Defence Policy: Theory in Action*, ed. Xymena Kurowska and Fabian Breuer (Houndmills, Basingstoke, Hampshire: Palgrave Macmillan, 2012), 7.

8. Alexander Wendt, "Anarchy Is What States Make of It," *International Organization* 46, no. 2 (1992): 391–425.

9. Margaret Levi, "A Logic of Institutional Change," in *The Limits of Rationality*, ed. Karen Schweers Cook and Margaret Levi (Chicago: University of Chicago Press, 1990), 402–18.

10. Jorgen Moller, "When One Might Not See the Wood for the Trees: The 'Historical Turn' in Democratization Studies, Critical Junctures, and Cross-Case Comparisons," *Democratization* 20, no. 4 (June 2013): 699.

11. Giovanni Capoccia and R. Daniel Kelemen, "The Study of Critical Junctures: Theory, Narrative, and Counterfactuals in Historical Institutionalism," *World Politics* 59, no. 3 (April 2007): 341–69.

12. *Ibid.*, 341n2.

13. Dionyssi G. Dimitrakopoulos, "Norms, Interests and Institutional Change," *Political Studies* 53, no. 4 (December 2005): 678–79.

14. See Herbert A. Simon, *Administrative Behavior: A Study of Decision-Making Processes in Administrative Organization* (New York: Macmillan, 1947); Graham Allison, *Essence of Decision: Explaining the Cuban Missile Crisis* (Boston: Little Brown, 1971); Irving L. Janis, *Victims of Groupthink: A Psychological Study of Foreign-Policy Decisions and Fiascoes* (Boston: Houghton Mifflin, 1972); and Mark Schafer and Scott Crichlow, *Groupthink versus High-Quality Decision Making in International Relations* (New York: Columbia University Press, 2010).

15. Capoccia and Kelemen, "Study of Critical Junctures," 341–47.

16. James Mahoney, "Path Dependence in Historical Sociology," *Theory and Society* 29, no. 4 (August 2000): 513; and Mahoney, "Path-Dependent Explanations of Regime Change: Central America in Comparative Perspective," *Studies in Comparative and International Development* 36, no. 1 (Spring 2001): 113.

17. James Mahoney, *The Legacies of Liberalism: Path Dependence and Political Regimes in Central America* (Baltimore: Johns Hopkins University Press, 2001), 7.

18. Kathleen Thelen and Sven Steinmo, "Historical Institutionalism in Comparative Politics," in *Structuring Politics: Historical Institutionalism in Comparative Analysis*, ed. Sven Steinmo, Kathleen Thelen, and Frank Longstreth (Cambridge, UK: Cambridge University Press, 1992), 17.

19. Moller, "One Might Not See," 706–7.

20. Kenneth Waltz, "Structural Realism after the Cold War," *International Security* 25, no. 1 (2000): 27; and Adrian Hyde-Price, "Neorealism: A Structural Approach to CSDP," in Kurowska and Breuer, *Explaining the EU's Common Security*, 23.

21. Finland joined the Nordic Council in 1955. The council may take up any issue of common interest except defense matters. Among its accomplishments are the abolition of visas, creation of a common labor market, mutual recognition of academic degrees, and law enforcement cooperation. See Iver B. Neumann, "A Region-Building Approach," in Söderbaum and Shaw, *Theories of New Regionalism*, 169; and Norden, accessed 15 September 2015, <http://www.norden.org>.

22. ASEAN was born during a period of great political and security turmoil in Southeast Asia. In July 1967, the United Kingdom announced plans to withdraw its military assets east of the Suez by the mid-1970s. China was in the throes of the Cultural Revolution, and the United States' involvement in Vietnam was escalating at an alarming pace. The five original members (Indonesia, Malaysia, the Philippines, Singapore, and Thailand) viewed cooperation within ASEAN as a potential mechanism for dealing with these uncertainties. Adam Malik, the Indonesian foreign minister at the time, explained the usefulness of regionalism to enhancing the bargaining position of the young, small, and weak states in dealing with the great powers: "The smaller nations of the region have no hope of ever making any impact on this pattern of dominance influence of the big powers, unless they act collectively and until they develop the capacity to forge among themselves an area of internal cohesion, stability and common purpose. Thus regional cooperation within ASEAN also came to represent the conscious effort by its member countries to try to re-assert their position and contribute their own concepts and goals within the ongoing process of stabilization of a new power equilibrium in the region." See Adam Malik, "Regional Cooperation in International Politics," in *Regionalism in Southeast Asia* (Jakarta: Centre for Strategic and International Studies, 1975), 162–63.

23. Charles Grant of the Centre for European Reform (London) summarizes the US role: "Let's also not forget: it was always an American plot too to create an European [U]nion which of course the Euroscptics have no idea about. The Americans were always there behind the scenes trying to help Monnet, trying to persuade the French and the Germans to reach agreement and also to persuade the British to join in. They failed on that last thing. But the Americans always saw the EU as a good way of preventing them being drawn into another European war and a good way of creating a bulwark against communism which it was. Right through to more recent times, when George Bush [Snr] supported German unification and the Maastricht treaty while Margaret Thatcher did not—the Americans have nearly always been pushers of European integration for most of the past 60 years." Quoted in Nicholas Watt, "Nobel Peace Prize Leads EU to Question Its Raison D'être," *Guardian*, 12 October 2012. See also Max Beloff, *The United States and the Unity of Europe* (London: Faber and Faber, 1963); and Francis H. Heller and John R. Gillingham, eds., *The United States and the Integration of Europe* (New York: St. Martin's Press, 1996).

24. Barry Buzan, "Regional Security Complex Theory in the Post-Cold War World," in Söderbaum and Shaw, *Theories of New Regionalism*, 142–45.

25. Robert O. Keohane, *After Hegemony: Cooperation and Discord in the World Political Economy* (Princeton, NJ: Princeton University Press, 1984), 32–33.

26. Robert W. Cox, *Production, Power, and World Order: Social Forces in the Making of History* (New York: Columbia University Press, 1987), 7.

27. Helge Hveem, "The Regional Project in Global Governance," in Söderbaum and Shaw, *Theories of New Regionalism*, 85–86.

28. Neumann, "Region-Building Approach," 171.

29. Bjorn Hettne, "The New Regionalism Revisited," in Söderbaum and Shaw, *Theories of New Regionalism*, 25.
30. Ramesh Thakur and Luk Van Langenhove, "Enhancing Global Governance through Regional Integration," *Global Governance* 12 (2006): 235.
31. Arthur A. Stein, *Why Nations Cooperate: Circumstance and Choice in International Relations* (Ithaca, NY: Cornell University Press, 1990), 22.
32. Morten Bøås, Marianne H. Marchand, and Timothy M. Shaw, "The Weave-World: The Regional Interweaving of Economies, Ideas and Identities," in Söderbaum and Shaw, *Theories of New Regionalism*, 197–210.
33. Functionalist and neofunctionalist approaches focusing mainly on the European Communities dominated scholarship during the early years of theorizing regarding regional economic and political integration. See Bøås, Marchand, and Shaw, "Weave-World," 202.
34. Ernst B. Haas, *The Uniting of Europe: Political, Social, and Economic Forces, 1950–1957* (Stanford, CA: Stanford University Press, 1958).
35. Buzan, "Regional Security Complex Theory," 157–58.
36. Mary Spear and Jon Keller, "Conflict Resolution in Africa: Insights from UN Representatives and U.S. Government Officials," *Africa Today* 43, no. 2 (April 1996): 120.
37. Paul F. Diehl, *International Peacekeeping* (Baltimore: Johns Hopkins University Press, 1993), 125.
38. Hveem, "Regional Project in Global Governance," 90.
39. Michael N. Barnett and Martha Finnemore, "The Politics, Power, and Pathologies of International Organizations," *International Organization* 53, no. 4 (Autumn 1999): 707.
40. Or perhaps the "fourth" debate. See Yosef Lapid, "The Third Debate: On the Prospects of International Theory in a Post-positivist Era," *International Studies Quarterly* 33 (1989): 235–54; and Steve Smith, "Introduction," in *International Relations Theories: Discipline and Diversity*, ed. Tim Dunne, Milja Kurki, and Steve Smith (Oxford, UK: Oxford University Press, 2007), 1–13. See also Robert O. Keohane, "International Institutions: Two Approaches," *International Studies Quarterly* 32, no. 4 (1988): 379–96.
41. Söderbaum, "Introduction," 10–11.
42. Judith Goldstein and Robert O. Keohane, "Ideas and Foreign Policy: An Analytical Framework," in *Ideas and Foreign Policy: Beliefs, Institutions, and Political Change*, ed. Judith Goldstein and Robert O. Keohane (Ithaca, NY: Cornell University Press, 1993), 9.
43. Dimitrakopoulos, "Norms, Interests and Institutional Change," 676–77.
44. Hettne, "New Regionalism Revisited," 37.
45. Brent J. Steele, *Ontological Security in International Relations: Self-Identity and the IR State* (New York: Routledge, 2008).
46. Dimitrakopoulos, "Norms, Interests and Institutional Change."
47. See Shaun Narine, *Explaining ASEAN: Regionalism in Southeast Asia* (Boulder, CO: Lynne Rienner, 2002), 13; Amitav Acharya, *Regionalism and Multilateralism: Essays on Cooperative Security in the Asia-Pacific* (Singapore: Times Academic Press, 2002), 149; and Katja Weber, "Lessons from the ASEAN Regional Forum: Transcending the Image of Paper Tiger?," in *The Security Governance of Regional Organizations*, ed. Emil J. Kirchner and Roberto Dominguez (London: Routledge, 2011), 220–28.
48. Emmanuel Kwesi Aning, *Security in the West African Subregion: An Analysis of ECOWAS' Policies in Liberia* (Copenhagen: Institute of Political Science, University of Copenhagen, 1999), 17.
49. Mae C. King, *Basic Currents of Nigerian Foreign Policy* (Washington, DC: Howard University Press, 1996), 216.
50. Quoted in *ibid.*, 238.
51. See Ole Wæver, "Securitization-Desecuritization," in *On Security*, ed. Ronnie Lipschutz (New York: Columbia University Press, 1995); Barry Buzan, Ole Wæver, and Jaap de Wilde, *Security: A New Framework for Analysis* (Boulder, CO: Lynn Rienner, 1998); and Buzan, "Regional Security Complex Theory."
52. Buzan, "Regional Security Complex Theory."
53. Bøås, Marchand, and Shaw, "Weave-World," 250.

54. Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verso, 1983).

55. Neumann, "Region-Building Approach," 161–62.

56. See Valentin Y. Mudimbe, "The Politics of War: A Mediation," in *Ethnicity Kills? The Politics of War, Peace and Ethnicity in Sub-Saharan Africa*, ed. Einar Braathen, Morten Bøås, and Gjermund Sæther (Basingstoke: Macmillan, 2000), 23–34; and Bøås, Marchand, and Shaw, "Weave-World," 208.

57. Karl W. Deutsch et al., *Political Community and the North Atlantic Area: International Organization in the Light of Historical Experience* (Princeton, NJ: Princeton University Press, 1957). See also Emanuel Adler and Michael Barnett, eds., *Security Communities* (Cambridge, UK: Cambridge University Press, 1998).

58. Hettne, "New Regionalism Revisited," 29.

59. See Antonio Gramsci, *Selections from the Prison Notebooks of Antonio Gramsci*, ed. and trans. Quintin Hoare and Geoffrey Nowell Smith (New York: International Publishers, 1971); Stephen Gill, ed., *Gramsci, Historical Materialism and International Relations* (Cambridge, UK: Cambridge University Press, 1993); and Andrew Gamble and Anthony Payne, "The World Order Approach," in Söderbaum and Shaw, *Theories of New Regionalism*, 59.

60. See Michael J. Shapiro, *The Politics of Representation: Writing Practices in Biography, Photography, and Policy Analysis* (Madison: University of Wisconsin Press, 1988); and Lene Hansen, *Security as Practice: Discourse Analysis and the Bosnian War* (London: Routledge, 2006).

61. Barry Posen, "ESDP: Response to Unipolarity?," *Security Studies* 15, no. 2 (2006): 149–86.

62. The Petersberg tasks are military and security priorities incorporated within the European Union's Common Security and Defence Policy, including humanitarian and rescue missions, crisis management, conflict prevention, disarmament, peacekeeping and peacemaking, military advice and assistance, and post-conflict stabilization tasks. These tasks were initially articulated by Western European Union leaders at a 1992 summit convened in Germany and were incorporated into Article 17 of the Treaty on European Union. For "civilian power," see Brigid Laffan, Rory O'Donnell, and Michael Smith, *Europe's Experimental Union: Rethinking Integration* (London: Routledge, 2000), 38–39; and Mette Eilstrup-Sangiovanni and Daniel Verdier, "European Integration as a Solution to War," *European Journal of International Relations* 11, no. 1 (March 2005): 99–135. For "normative power," see Ian Manners, "Normative Power Europe: A Contradiction in Terms?," *Journal of Common Market Studies* 40, no. 2 (June 2002): 235–58. For critiques of the notion of the European Union as a normative power, see Thomas Diez, "Constructing the Self and Changing Others: Reconsidering 'Normative Power Europe,'" *Millennium* 33, no. 3 (June 2005): 613–36; and Michael Merlingen, "Everything Is Dangerous: A Critique of 'Normative Power Europe,'" *Security Dialogue* 38, no. 4 (December 2007): 435–53. By 2006, Manners conceded that the European Security Strategy signaled a "sharp turn away from the normative path of sustainable peace toward the full spectrum of instruments for robust interventions." Quoted in Emil J. Kirchner, "The European Union as a Regional and Global Security Provider," in Kirchner and Dominguez, *Security Governance of Regional Organizations*, 39. See Ian Manners, "Normative Power Reconsidered: Beyond the Crossroads," *Journal of European Public Policy* 13, no. 2 (2006): 182–99.

63. Kirchner, "Regional and Global Security Provider," 32.

64. Watt, "Nobel Peace Prize."

65. Kirchner, "Regional and Global Security Provider," 41.

66. Emil J. Kirchner and Roberto Dominguez, "The Performance of Regional Organizations in Security Governance," in Kirchner and Dominguez, *Security Governance of Regional Organizations*, 14, 326.

67. Wendt, "Anarchy."

Allies in Flux

American Policy after the Arab Spring

KHALIL MARRAR, PHD*

Developments of the Arab-Spring-turned-Winter brought unprecedented changes to the American approach in the Middle East and North Africa. Most notable is the evolution of relationships with three regional blocks: the Arab states, Iran, and Israel. In regards to each, US policy makers had to reorient themselves to a new and perhaps unfamiliar strategic terrain.¹ As demonstrated previously, although American policy remained susceptible to influences from a variety of domestic lobbying and public opinion pressures both before and after the Arab Spring, regional shifts of that period have proven preeminent for conceptualizing the pursuit of American interests.² This article examines how those shifts interacted with American policy.³ To do so, it addresses the following question: why did the Arab Spring and ensuing Winter cause American policy, at its heart, to prioritize rapprochement with Iran and recalibrate alliances with Israel and the Arab states?⁴ This question centers on developments that pushed and pulled American strategy in the past and that will anchor the approach to the region in the future.⁵

Regarding the past, for decades, American strategy involved supporting Israel and reassuring the Sunni states against Shiite power in Tehran, Damascus, southern Lebanon, the Persian Gulf area surrounding Iran, and elsewhere in the region. In contrast, after the Arab Spring, the US approach has evolved to become more fluid and less clear cut. Meanwhile, developments in the Middle East and North Africa that brought upheavals and war, rather than being a Western conspiracy as some people feared, have instead presented a great deal to consider for American decision makers for generations to come.⁶ Consequently, the emergence of the foreign policy landscape (see table below) has all but overshadowed withdrawals from Iraq and Afghanistan as well as much-touted developments that presented more pressing concerns than issues in the Middle East and

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North Africa. These included the “pivot to Asia” and attempts to counter Russia in Eastern Europe by using the North Atlantic Treaty Organization (NATO).⁷

Table. Revolts and outcomes

<i>State</i>	<i>Revolt Year</i>	<i>Regime Change</i>	<i>Territory Intact</i>	<i>Civil War</i>
Afghanistan	2010	O	O	X
Algeria	2010	O	X	O
Bahrain	2011	O	X	O
Djibouti	2011	O	X	O
Egypt	2011	X	O	O
Eritrea	2011	O	X	O
Iran	2009	O	X	O
Iraq	2012	O	O	X
Israel	2011	O	X	O
Jordan	2011	O	X	O
Kuwait	2011	O	X	O
Lebanon	2011	O	O	O
Libya	2011	X	O	X
Mauritania	2011	O	X	O
Morocco	2011	O	X	O
Oman	2011	O	X	O
Palestine	2012	O	O	O
Qatar	2011	O	X	O
Saudi Arabia	2011	O	X	O
Somalia	2011	O	O	O
Sudan	2011	O	O	O
Syria	2011	O	O	X
Tunisia	2010	X	X	O
Turkey	2012	O	X	O
United Arab Emirates	2011	O	X	O
Western Sahara	2011	O	X	O
Yemen	2011	X	O	X
X=Yes	O=No			

Arab-Spring-Turned-Winter

When a 26-year-old produce vendor set himself on fire in Tunis to protest police corruption, no one imagined that such an act of self-immolation would result in revolts that overthrew the government. What happened in Tunisia sparked a series of events that

altered the political map of the modern Middle East and North Africa. Changes in the region broadly affected the Muslim world from Afghanistan to Zanzibar. Although the period before the revolts was marked by neither decent governance nor prosperity, it offered students of the region a fixed orientation by which to assess it, especially given the centrality and durability of the prevailing regimes.⁸ Because they ruled for decades with little or no public input, the governments of the Middle East and North Africa were dependable intermediaries for American policy. However, in the first decade of the twenty-first century, reactions to 9/11, including the invasions of Afghanistan and Iraq, influenced the region in unpredictably irreparable ways.

Similarly, the Arab Spring of the next decade marked a change from which there was no return. In its wake, most people hoped for a world in which they could live freely, even though many of them, particularly in the lawless parts of Syria and Iraq—or Libya and Yemen, for that matter—became mired in a Hobbesian civil war in which life was “nasty, brutish, and short.”⁹ Dreams sparked by the Arab Spring were undeniable, but its results for far too many individuals continued to be morbid. In that turbulent context, the regimes of the Middle East and North Africa tried to govern. Most of them desperately tried to keep their existence and authority intact, but many failed. Thus, American decisions concerning the region had to take that new reality into consideration, particularly given the trajectory of events as its regimes, both new and old, sought to weather the storms of the Arab Spring.

That trajectory has spared no country. After a brief experiment with democracy, Egypt, the most populous Arab nation, overthrew the Muslim Brotherhood, only to return to a police state more brutal to its people than it was under former president Hosni Mubarak.¹⁰ Indeed, in addition to suspending political freedoms, the government of Abdel Fatah al-Sisi has engaged in murder, torture, and arrest against every segment of Egypt from which it perceived any threat. Such actions included the extrajudicial jailing and killing of Muslim Brotherhood leaders and their supporters as well as a similar crackdown on liberal parties, especially those devoted to the protection of individual rights.¹¹

In addition, the al-Sisi government curtailed press freedoms and detained journalists for reporting in a manner inconsistent with state-sanctioned narratives. These actions, although similar to those under any other authoritarian regime, have taken violence and infringements against political mobilization and expression to new heights.¹² In that setting, the United States possessed few options for forcing its ally to respect its people and did little to stop the runaway governance of the regime after the coup. In fact, US military aid to Egypt continued unabated. Even though some critics have decried American behavior as a plot to divide Egyptians while privileging the interests of others in the region, most notably Israel, no one can deny that the peace treaty between them has been a precondition for American support of military rule.¹³

Although a different case from policy toward Egypt and other states in turmoil, the approach to Syria, despite US policy makers’ condemnation of Bashar al-Assad’s regime and their demands for its ultimate removal, has stopped short of pursuing that goal. This

occurred despite the red lines of the Obama administration against the deployment of chemical weapons and the fact that the regime, through conventional means, has murdered hundreds of thousands of its citizens, causing their displacement by the millions. The simple truth is that American action has opted for leaving Assad in power while targeting groups such as the Islamic State in Iraq and Syria (ISIS).¹⁴ Like other militant entities, ISIS has long been classified by the US State Department as a foreign terrorist organization and was believed to pose more immediate dangers to national and regional security.¹⁵

As was the case in Egypt, the United States, through its initiatives and inaction, acquiesced to the emerging reality, thus contradicting its stated intentions regarding human dignity or ousting Assad—assuming such a stance may have been the only expedient thing to do. Instead, the American approach privileged mediating regional politics through long-established actors and their power centers rather than new parties—whether the Muslim Brotherhood in Egypt or the Free Syrian Army—regardless of their track record on rights or repression. State governments received preference, even if they suppressed their people in the face of broad international condemnation. Viewed through the eyes of those living in the Middle East and North Africa, that preference was particularly troubling since in the aftermath of the Arab Spring, many regimes suffered loss in legitimacy and mass defection. Despite those developments, the United States opted for the status quo ante, whether through continuing its assistance to Cairo or dithering on atrocities committed by Damascus.¹⁶

The American approach to both Egypt and Syria, though unsatisfactory to many people, was understandable in light of Western measures in Libya.¹⁷ As a direct outcome of toppling Mu'ammar Gadhafi, the country morphed into a failed state. When the new regime exerted authority, it suffered from political paralysis under a provisional government hampered by ethnic and clan strife and divided between Tripoli and Benghazi.¹⁸ The previous order under Gadhafi was demolished, thanks in large part to Western military intervention. In effect—and regardless of whether the United States led from the front or from behind—the campaign ultimately ensured that Libya's dictator was viciously killed, only to be replaced by several warlords and their militias who disputed power both in acrimonious elections and with bloody street fighting.

The case of Libya, although rare in terms of Western humanitarian efforts, demonstrated the perils of meddling in the Arab revolts.¹⁹ Gadhafi was far from ideal for Western and especially American interests in the region. However, he did at least present policy makers with a politically stationary, albeit emotionally erratic, interlocutor with whom to deal. This fact was particularly significant not only because Libya bordered a vital American partner in Egypt but also because Tripoli guaranteed the relative security of the Mediterranean coast and the flow of energy produced by the country's vast oil and gas deposits—among some of the largest in Africa.²⁰ Even though the aftermath of toppling Gadhafi offered Libyans hope and the opportunity to participate in their governance, the new regime proved incapable of providing basic state functions. Moreover, it

has failed to uphold a level of safety deemed vital by Western countries and by the United States, not to mention the Libyan people themselves.

Elsewhere in the region, the situation remained tense and subject to the unpredictable changes seen in Egypt, Libya, Syria, and Tunisia. Throughout North Africa, several states have announced reforms aimed at transparency and liberalization that were never earnestly implemented.²¹ Further east, the Persian Gulf countries have largely suffocated protests and demands for democracy through a dual approach of providing generous incentives for those consenting or offering allegiance to their regimes and severe punishments for those who did not.²² In other instances, states like Turkey, Jordan, and Lebanon continued to be on the receiving end of tens of thousands of Syrian refugees despite having their own problems with internal discord and popular calls for changes to economic, social, and political conditions. In sum, what were counted as some of the oldest allies in the Middle East and North Africa could no longer be trusted to maintain the established order that much of Western and especially American interests in stability rested on.²³ As the states of the region sought to address the gush of unrest in their midst, they could no longer act as pliable allies willing to please Europe and America for substantial returns but with little or no cost to themselves. Furthermore, as the geopolitical landscape continued to transition after the Arab Spring, an old issue emerged as a direct consequence: relations with Israel and Iran.

Regional Balancing: Past Revisited or “Back to the Future”?²⁴

Shortly before the White House and Congress duelled about invitations to the Israeli prime minister, one phrase summarized tensions between Washington and Tel Aviv as American policy evolved toward the region inhabited by Israel: “chicken----.” The term is not commonly used in the diplomatic parlance of American statesmen, especially in reference to close allies, but it was reputedly uttered by an anonymous US official to describe Israeli prime minister Benjamin Netanyahu.²⁵ The reason for the name calling was not entirely clear. It may have been related to Israel’s continued refusal to take military action against Iran unilaterally. Instead, it repeatedly opted for the United States to do its bidding. Although words do not have the significance of actions, few people doubt that the American-Israeli alliance has lacked the luster it had in the past. Moreover, the change in that relationship is not simply a product of the end of the Cold War rivalry that buttressed it. Nor was it the result of a different administration in the White House. Indeed, if it were left up to any American president, especially given congressional pressure, the relationship between Israel and the United States would be as cordial as ever.²⁶ Hence, on his “stalwart” friendship with Israel, Barack Obama had much in common with his predecessor George W. Bush.²⁷ Similarly, the eight congresses elected during both presidential terms have maintained that Israel remained a central ally of the United States.²⁸ Even though such sentiment has always been a crucial element of the American-Israeli relationship, it did not convey changes in US strategy that, in recent years, have gone

against what Israel deemed to be in its interests, especially as expressed by its leadership through numerous prime ministers and other Knesset members.²⁹

One development which drove that fact was highlighted in a speech by Prime Minister Netanyahu to the United Nations. As Iran presented its new president to the world in the figure of Hassan Rouhani, Israel's prime minister condemned him as a "wolf in sheep's clothing" compared to Mahmoud Ahmadinejad, Iran's previous president, whom Netanyahu dismissed as a "wolf in wolf's clothing."³⁰ Despite Netanyahu's alarmist zoological rhetoric, the United States pursued a policy of rapprochement with Iran under President Rouhani that yielded a breakthrough in diplomacy between the two nations for the first time since the Islamic Revolution.³¹ White House officials understood that better relations with Iran were valuable despite denunciations of the Islamic Republic and reengagement with it by some key American allies.³² Further, the United States pursued its interests by talks with Iran, just as those allies faced serious challenges to their security.³³ In Washington policy circles, it became manifest that the view of Iran as the quintessential threat by many Sunni Muslim partners and the Jewish state did not mean that the United States had to ignore its vital concern in reengagement to appease its traditional allies.³⁴ This was especially pressing given the fact that most of the relationships with those allies were forced to adapt to the overthrow or reconfiguration of their regimes in light of the Arab Spring, as discussed earlier.

For decades prior to the Arab Spring, two factors anchored US strategy in the region.³⁵ First, numerous presidents and congresses have taken an inimical approach to Iran. Diplomacy with the Islamic Republic occurred through a third party, which frequently involved a Nordic country. Second, in the words of President Obama, Israel has been the "strongest" ally of the United States. Both of those anchors persisted, but they were complicated and even mitigated by an emerging reality: direct negotiations with Iran about its nuclear program. Those negotiations have evolved into a comprehensive discussion about Iran's role in the region and its place in world affairs. They have also brought about a cooldown in the warmth of America's relationship with Israel and the Sunni Arab states, which have remained sworn adversaries of the Islamic Republic. While the regional opposition between Iran and its rivals persisted, Iraq presented a wild card—particularly the American invasion of that country and the toppling of its Sunni regime presided over by Saddam Hussein.³⁶

The subsequent nation building that took place in Iraq, though mildly satisfactory to its Shiite majority, unraveled the decades-long US regional strategy. In Baghdad, after civil war and elections swept it into power, the Shiite government closely, but often quietly, allied itself with its counterpart in Tehran.³⁷ For its part, and with the Baathists out of the way, Iran used the opportunity to throw its newfound power around the Middle East. It assisted Iraq's Shiite majority in consolidating its strength by shutting out minorities—most notably Sunnis, Kurds, and Christians. Iran also supported militant groups like Hezbollah and Hamas against Israel.³⁸ Meanwhile, the Islamic Republic helped the Assad regime maintain its teetering hold on power in Syria and hastened the overthrow of the American-backed regime in Yemen, which threatened bordering Saudi

Arabia and startled the rest of the Gulf States. Along with these activities, Iran was able for years to skirt Western sanctions. On the world stage, it benefited from its relationship with Syria, which, despite experiencing repression and undergoing civil war, maintained its client relationship with Russia.³⁹ Consequently, Iran received concessions from Russia that, at best, blunted the American-led sanctions and, at worst, made them ineffective, especially in deterring the advance toward an illegal nuclear program.⁴⁰

The result was a comprehensive approach by the Obama administration to engage Iran on three issues: addressing the Islamic Republic's appetite for energy; ruling out military aggression by either the United States or Israel, given compliance with an inspections regime; and, just as importantly, setting it on course toward normalization and full membership in the international community. Those three issues took less than a decade to materialize, but they began to form the basis of the future American-Persian relationship. To arrive at that stage of reconciliation, the Iranians exercised quite a bit of leverage over Washington, especially as it pertained to stability in Iraq, Syria, Yemen, and even Afghanistan. Talks with Iran also opened up the potential for a degradation of Syria's alliance with Russia, a key factor in preserving American sway in the region.⁴¹ Along with those goals, Iran would eliminate the nuclear threat posed to its neighbors and, once and for all, would become a compliant signatory of the Nuclear Nonproliferation Treaty. Adhering to the treaty would allow for a good degree of peaceful nuclear development to fulfil energy demands by Iran's economy.

In addition, Iranian normalization not only might mean an end to sanctions but also might signal that the country has little to fear from its rivals, particularly in terms of an attack on its nuclear facilities. Through a diplomatic breakthrough, Iran would receive a place to partner on key regional and international issues. Like any other major country in the Middle East, the Islamic Republic would be allowed a wide berth in deciding its own affairs. Indeed, the deal with Iran may herald an end to decades of hostility and potential war with other powers in the region—most notably the United States or Israel—something that the centers of power in Tehran had desired since the founding of the Islamic Republic.⁴² Similarly, normalization would present an opportunity for thawing relations with an American archrival that, with its superpower strength and geopolitical influence, had stifled the acceptance of Iran as a country with its own interests in international affairs—not to mention its immediate spheres of influence.

On the other side of the region, talks of a bargain with Iran, regardless of their positive implications for Washington and Tehran, complicated relations between the United States and its traditional allies in the Middle East. Turkey, a substantial member of NATO and a proven ally of the United States, has always maintained some modicum of relations with Iran, but other Middle East allies, with the notable exception of Qatar, viewed any normalization with Tehran as a significant threat to their standing. The American relationship with allies like Saudi Arabia and most other Persian Gulf States, as well as Egypt, Jordan, and especially Israel, had depended on a necessary adoption of their antipathy to Iran. Adversity between the Islamic Republic and the Arab states has a lengthy history, fueled by ideological underpinnings that pitted a revolutionary theo-

cratic Iran against frequently reactionary and highly monarchial or dictatorial secular regimes (except Saudi Arabia, which is a Sunni Arab theocracy mortally opposed to Shiite Persian dominance). Although the latter have been close allies with the United States, a friendship that predated World War II but that thrived after it, the former, after the fall of the Shah and the conclusion of the Islamic Revolution, has been a spoiler to American designs in the region.⁴³

Motivations for American-Arab-Israeli cooperation against Iran were multifaceted. However, it would suffice to note that regional authoritarian tendencies, underwritten by the United States at least since the late 1960s and early 1970s, depended on opposing the overthrow of any regime in the region.⁴⁴ The Shah's government represented the status quo even though what replaced it was equally authoritarian. However, the religious and anti-American nature of the Islamic Revolution meant that the United States had to rally its partners against the mullahs in Tehran. Those partners in turn loathed the revolutionary Shiite fervor that swept through Persia, one of the largest and most ancient nations in the world. Consequently, their alliance with the United States was predisposed to counter Iran's revolutionary theocratic passions for their own religious, ideological, and/or political reasons that are too numerous and complex to examine in depth here.⁴⁵

Since 1979 containing Iran was the name of the game for American policy makers. Such containment was the case despite the cost of regional uncertainty engendered by this action. In one crucial example, after the dust of the Islamic Revolution had barely settled, the United States assisted Iraq with an invasion of its Persian neighbor. Further, even though Saddam had a lengthy track record for brutality that contradicted American values, the choice between a theocratic anti-American revolution and a secular dictator who kept an open mind to his alliances gave the US leadership a clear path.⁴⁶ Hence, during the lengthy and bloody Iran-Iraq war, the United States gave Saddam plenty of material support to assist in his efforts against the Islamic Republic. The war closed with a stalemate that resulted in the death of more than a million men, women, and children, some of whom were killed by weapons of mass destruction; however, both the Baath government and the Iranian clerical leadership survived and went on to create quite a bit of trouble for the stability sought by the United States in the long term. In the short term, however, Washington's alignment with Baghdad realized the goal of checking Iran.

Fast-forwarding to a time decades later reveals that the execution of Saddam eliminated a linchpin of forces that frustrated American interests in the region. But the power vacuum opened up by toppling his Baath regime in Iraq meant that the country's Shiite majority and their coreligionists in Iran could pursue their interests as never before. Hence, the United States was left with many options, none of them satisfactory to its aims in any decent measure. At worst, to leave Iran unchecked meant a major threat to Israel and the Sunni states because of a nuclear Islamic Republic. At best, it meant unfettered proliferation in the region. Neither scenario satisfied US interests or those of its allies anywhere.⁴⁷

Similarly, military confrontation with Iran to avoid both scenarios, especially in the messy aftermath of invading Afghanistan and Iraq, was an unpalatable position for a

war-weary public and its policy makers. Bombing Iran would have brought untold consequences for a region mired in conflict. Along with the repercussions of the Arab Spring, the ensuing war would have had unspecified, unacceptable risks for American interests and those of its allies.⁴⁸ Consequently, the only digestible course of action, however bitter, was negotiating with Iran. The Obama administration pursued that approach despite the dire, often loud criticisms it had received from its detractors both at home and abroad.⁴⁹ Israel and its domestic supporters in and out of the Washington beltway leveled rebukes. In the region, some Arab allies have quietly charged the American administration with betrayal for talks with Tehran.⁵⁰

American interests, however, have overruled all concerns. Having perceived those interests through the difficulties of another potentially protracted entanglement in the Middle East—as war with Iran certainly would have brought—the Obama administration proceeded cautiously down the diplomatic route. Although the end of that route, no matter the outcome, remained elusive, it was one of the few options left after the costly blunders of other imbrolios in the Middle East and North Africa. Indeed, in what has been dubbed by numerous White House and congressional leaderships as a “very tough neighborhood,” American statesmen were left with few options and even fewer partners willing to tackle the tough issues raised by Iran going nuclear.⁵¹

Regardless of the level of development, including how many centrifuges may be possessed by Tehran, and despite caricatures of bombs pondered by the Israeli government as exhibited by Netanyahu’s presentation before the United Nations on the issue, the only remaining option was that of tough diplomacy.⁵² That was precisely why the Obama administration engaged with the Rouhani government at the highest levels. Alternatives to talks remained murky at best, but if Iran continued on the nuclear path, it would have left the United States and its allies few choices other than those involving military action.⁵³ The Iranians knew that well—hence their willingness and even eagerness to engage in talks. Iran had very little to lose, particularly since its nuclear program, despite deafening condemnations to the contrary, remained in relative infancy while its economy suffered under tougher sanctions.⁵⁴ The choice for the ruling elite in Tehran was clear: negotiations eliminated the looming threat of an unwinnable war with the West. They also brought their country an opportunity for acceptance by the international community in return for very little—besides giving up on a nuclear program that was far from a credible threat to any country. In fact, Iran’s nuclear development worked only to undermine the Islamic Republic domestically and on the world stage, as evidenced by opposition at home and abroad.⁵⁵

Conclusion: Interests and Region in Flux

This article’s main argument is that the changing American approach to the Middle East and North Africa has been adjusted to achieve stability and a balance of power between the major regional players, including the Arab states, Iran, and Israel. In the unstable aftermath of the Arab-Spring-turned-Winter, losses in legitimacy, authority, and/

or territorial integrity meant that traditional allies could no longer be counted on to be clients of the United States. Moreover, the increasing importance of Iran to regional stability in terms of its influence on Iraq, Syria, Afghanistan, and Yemen, as well as the destabilizing potential of its nuclear aims, meant that a crucial piece of the puzzle to regional stability rested in Tehran.

In response to the evolution of the Middle East and North Africa in the aftermath of the revolts, the United States has arrived at a traditional balancing act in which friends and foes were dealt with in terms of their interests and relationship to American designs. Washington opted for a region in which various power blocks checked one another. It did so despite overt pro-Israel or covert pro-Saudi calls for bombing Iran's nuclear facilities, something that would have unhinged an already unstable region and overwhelmed attempts to attain stability in the world's vital oil heartland and an important land bridge between Europe and the Far East.⁵⁶ In a nutshell, diplomacy was the sole antidote to a catastrophic war that surely would have engulfed the region.⁵⁷

At worst, the belief was that talking to Iran would have produced stalled negotiations and a country committed to nuclear weapons, as in the status quo. At best, it would have created a sustainable context for American interests: a region free from the uncertainties of nuclear proliferation and one in which reinforcing sovereignty and stability anchored the intended outcome of the political behaviors of all players involved. A major factor that made the diplomatic option an attractive pursuit is the disruptive power of groups like ISIS, al-Qaeda, and the handful of other terrorist militias which have plagued the region since before 9/11 and have gained further notoriety after the Arab Spring.⁵⁸ Those groups have presented serious challenges to states that have long maintained important roles in American hegemony throughout the Middle East and North Africa.

Moreover, as governments in the region changed hands and—especially in the case of Libya and possibly Syria and Iraq as well as Yemen—have experienced state failure, the United States sought an approach that would produce the least amount of damage to established regimes in the region.⁵⁹ Thus, it opted for talks with Iran in order to arrive at a point in which stabilizing Syria was a possibility while the security and integrity of Iran's neighbors, most notably Iraq but Afghanistan as well, would be more likely outcomes.⁶⁰ Those results were particularly important during an era of drawdowns and withdrawals on the one hand as well as escalation and intensification in many parts of the region on the other hand, both of which formed the bulk of policy during the Obama presidency.⁶¹

Without bringing Iran to the table, such outcomes would have remained elusive in an approach focused on shunning the Islamic Republic, which commanded a critical position in a region significant for American interests. Despite control of the major issues surrounding Iran, however, the Middle East and North Africa will never be the same after the events of the Arab Spring and its unfolding consequences. Rather than being a search for an optimal path to realize national interest, American policy has committed itself to a salvage operation in which the rationale has moved away from the pursuit of ideal outcomes to ones that stemmed from more sober decision making. Far from being

the sole result of politics inside Washington, catalysts for past and future approaches to the Middle East and North Africa will derive from developments in the region as well.

Notes

1. Given these changing terrains, American statesmanship may accurately be captured as facing a serious “clash between liberalism and realism.” See John J. Mearsheimer’s “Introduction” to George F. Kennan, *American Diplomacy*, 60th anniversary expanded ed. (Chicago: University of Chicago Press, 2012), x. For an abbreviation by country, see the table in the text of this article.

2. For two instances, see John J. Mearsheimer and Stephen M. Walt, *The Israel Lobby and U.S. Foreign Policy* (New York: Farrar, Straus and Giroux, 2007); and Khalil Marrar, *The Arab Lobby and US Foreign Policy: The Two-State Solution* (New York: Routledge, 2010).

3. On the framework of the present analysis, see Michael J. Totten, “Arab Spring or Islamist Winter?,” *World Affairs*, January/February 2012, <http://www.worldaffairsjournal.org/article/arab-spring-or-islamist-winter>.

4. For a synopsis of the evolution of the relationship with Iran, see James G. Blight et al., *Becoming Enemies: U.S.-Iran Relations and the Iran-Iraq War, 1979–1988* (Lanham, MD: Rowman & Littlefield Publishing Group, 2012).

5. Quite a bit has been written on this subject. For a nice range, please see Rashid Khalidi, *Resurrecting Empire: Western Footprints and America’s Perilous Path in the Middle East* (Boston: Beacon Press, 2004); and Michael B. Oren, *Power, Faith, and Fantasy: America in the Middle East, 1776 to the Present* (New York: W. W. Norton & Company, 2007).

6. For an assessment of this position, see Samuel Helfont, “Tariq Ramadan’s Arab Winter,” *New Republic*, 1 October 2012, <http://www.newrepublic.com/book/review/tariq-ramadan-islam-arab-awakening>. Quite a bit of writing is emerging on this topic. For a couple of examples, see David W. Lesch and Mark L. Haas, *The Arab Spring: Change and Resistance in the Middle East* (Boulder, CO: Westview Press, 2012) for an optimistic hyperbole; and for an Islamophobic diatribe, see Raphael Israeli, *From Arab Spring to Islamic Winter* (New Brunswick, NJ: Transaction Publishers, 2013).

7. For cautionary tales on the issues preceding the “pivot to Asia,” see John Mearsheimer, *The Tragedy of Great Power Politics* (New York: W. W. Norton & Company, 2014); and Robert Kaplan, *Asia’s Cauldron: The South China Sea and the End of a Stable Pacific* (New York: Random House, 2014). On Russia’s dealings in Eastern Europe, see Marcel H. Van Herpen, *Putin’s Wars: The Rise of Russia’s New Imperialism* (Lanham, MD: Rowman & Littlefield, 2014).

8. There is a wide-ranging debate on the difference between the authoritarian tendencies of, say, Turkey and Iran. Regardless of the regime type in question and for the purposes of US policy, conversation about privileging stability over all other concerns—if it ever left at all, particularly under the idealisms of presidents Bush and Obama—has made a return in decision making. Thus, assessing regimes in world affairs remained a well-established practice that the present work has benefited from. For one instance, see Axel Hadenius and Jan Teorell, “Authoritarian Regimes: Stability, Change, and Pathways to Democracy, 1972–2003,” *Kellogg Institute*, Working Paper no. 331, November 2006, <https://kellogg.nd.edu/publications/workingpapers/WPS/331.pdf>.

9. Thomas Hobbes, *Leviathan or the Matter, Forme & Power of a Commonwealth, Ecclesiasticall and Civill* (Cambridge, UK: Cambridge University Press, 1904), chap. 8. For a modern reading, from Syria in particular, see Daniel Renwick, “Hobbes, Syria and the Importance of Stability,” *Palestine Chronicle*, 3 January 2013, <http://www.palestinechronicle.com/hobbes-syria-and-the-importance-of-stability/>.

10. Mohamed Younis, “Egyptians See Life Worse Now than before Mubarak’s Fall,” Gallup Poll, 16 August 2013, <http://www.gallup.com/poll/164015/egyptians-life-worse-mubarak-fall.aspx>.

11. These actions have been well documented. See Patrick Kingsley, "Worse than the Dictators: Egypt's Leaders Bring Pillars of Freedom Crashing Down," *Guardian*, 26 December 2014, <http://www.theguardian.com/world/2014/dec/26/sp-egypt-pillars-of-freedom-crashing-down>.

12. Jennifer Bremer, "Challenges to Governance Reform and Accountability in Egypt," in *Public Administration and Policy in the Middle East*, ed. Alexander R. Dawoody (New York: Springer, 2015), 83–101.

13. For this thesis, see Mazin Qumsiyeh, "Israel and Western Countries Playing the Game of Divide and Conquer in the Middle East," *Al-Jazeera*, 11 July 2013, <http://www.ccun.org/Opinion%20Editorials/2013/July/11%20o/Israel%20and%20Western%20Countries%20Playing%20the%20Game%20of%20Divide%20and%20Conquer%20in%20the%20Middle%20East%20By%20Mazin%20Qumsiyeh.htm>.

14. For a synopsis of the approach of ISIS in particular, see Eric Schmitt, "In Battle to Defang ISIS, U.S. Targets Its Psychology," *New York Times*, 28 December 2014, http://www.nytimes.com/2014/12/29/us/politics/in-battle-to-defang-isis-us-targets-its-psychology-.html?hp&action=click&pgtype=Homepage&module=first-column-region®ion=top-news&WT.nav=top-news&_r=0.

15. Justin Sink, "ISIS Threat 'a More Immediate Concern' than Assad, Obama Says," *Hill*, 28 September 2014, <http://thehill.com/policy/defense/219144-obama-isis-a-more-immediate-concern-than-assad>.

16. This position is consistent with past policy practice. See Fawaz A. Gerges, "The Obama Approach to the Middle East: The End of America's Moment?," *International Affairs* 89, no. 2 (2013): 299–323.

17. See Rami Khouri, "Arab Regime Change Is Best Left to Arabs," *Guardian*, 25 January 2012, <http://www.theguardian.com/commentisfree/2012/jan/25/arab-regime-change-egypt-syria-iraq>.

18. "Libya: The Next Failed State," *Economist*, 10 January 2015, <http://www.economist.com/news/leaders/21638122-another-font-global-mayhem-emerging-not-helped-regional-meddling-and-western>.

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21. Inmaculada Szmolka, "Political Change in North Africa and the Arab Middle East: Constitutional Reforms and Electoral Processes," *Arab Studies Quarterly* 36, no. 2 (March 2014): 128–48.

22. Zoltan Barany, "Revolt and Resilience in the Arab Kingdoms," *Parameters* 43, no. 2 (2013): 89–101.

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25. Tom McCarthy and Dan Roberts, "Kerry Says US Official's ['Chicken----'] Jibe at Netanyahu Was Disgraceful and Damaging," *Guardian*, 30 October 2014, <http://www.theguardian.com/us-news/2014/oct/30/john-kerry-condems-official-insult-netanyahu>.

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A Different Type of War

Practices and War in Countering Terrorism

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In May of 2014, President Barack Obama authorized the release of a handful of Taliban members in exchange for Sgt Bowe Bergdahl, the lone American prisoner of war remaining from the war in Afghanistan. With the conflict well over a decade old and the United States seeking to conclude it in the near term, these Taliban members would inevitably have been returned in accordance with the normal practice of war since there would no longer be grounds for holding them. Consequently, the administration had the choice of going forward with the trade or risk having to return the prisoners later with nothing to show for it, so the administration proceeded with the exchange. Rather than receiving praise for freeing an American soldier, however, the president had to spend weeks defending his actions from critics who called it a “concession” to “terrorists.”¹

Similarly, the United States’ expansion of its operations against terrorists into Syria and northern Iraq to combat the threat from the Islamic State has spurred debate about the legality and strategic benefits of this widening of operations. Complicating the situation and sparking a debate in Congress is the 2001 declaration of war on terrorism—the congressional resolution authorizing the use of military force (AUMF)—which specifies “nations, organizations, or persons” affiliated with al-Qaeda as permitted targets of US operations.² Yet, the Islamic State has explicitly disassociated itself from al-Qaeda, and the administration continues to claim that the initial declaration of war still applies.³ This debate over whether a new congressional resolution was necessary to continue operations in a war initially characterized by President George Bush as against “terrorism,” broadly speaking, in an area where the United States had recently engaged in counterinsurgency operations under a separate AUMF, seemed somewhat odd to defenders of the adminis-

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tration's position. To critics, however, it seemed equally egregious—this was not merely an ongoing front in an existing conflict but a new war entirely.⁴

Finally, illustrating the tensions involved in fighting a war against terrorists is the Obama administration's most recent presidential directive and executive order making it policy to no longer prosecute civilian relatives who attempt to pay ransom to these individuals in exchange for the return of their family members, combined with a lifting of the ban on official government contact with terrorists.⁵ Speaking with the adversary and making certain concessions—however minor—have a long history in American warfare, and this practice is especially the case when it comes to prisoner exchange and postwar settlements. For this particular enemy (however defined), concessions are off the table entirely—despite the United States being in a self-acknowledged war. Negotiation and concession are the normal process by which contemporary wars end.⁶ It has taken a tremendously controversial shift in policy even to open up the possibility of meeting with the enemy—historically an elementary component of ending conflict.

Exchanging prisoners of war, pursuing acknowledged adversaries of the United States, and speaking with the enemy at the conclusion of a conflict are all fairly unremarkable occurrences, yet each of these was seen as something rather extraordinary in the context of the war on terrorism. Scholars and policy makers alike have wrestled with the fact that although the war on terror was articulated as a “war” from the outset, it has always appeared very different from conflicts of the past—an issue of definition that has only gotten worse as the war's theater of operations has expanded well beyond the initial actions in Afghanistan.⁷ The result has been the rise of gaps and contradictions between what is expected or “normal” in a war and what seems “normal” in an effort to combat terrorist groups like al-Qaeda and its affiliates. The United States indisputably claims that the war on terror is an ongoing struggle in the legal and political sense—legally the United States remains in a state of war so long as the 2001 AUMF stays in place and recent US national security strategies explicitly articulate it as such. Yet, this conflict seems to continually expose areas where the normal practice of war is at odds with what is expected in dealing with a terrorist group.⁸ As the war continues into what appears its latter stages, these disjunctures will only become more apparent and further complicate efforts to conclude the conflict successfully.

President Bush captured this situation best when he first referred to the war on terrorism as a “different type of war.”⁹ Although the statement possesses intuitive appeal and appears especially prescient in retrospect, what exactly makes it different? And if this war is “different,” then what does a “normal” war look like? This article argues that these areas of conflict—between what is expected or practical in war and what is expected or normal in addressing a terrorist threat—are an intrinsic part of prosecuting a war with this particular enemy. Further, and more worrisome for US policy makers, these contradictions will occur more frequently as this conflict continues and especially as it nears its conclusion. As long as the United States remains in a state of war with al-Qaeda and its affiliates and frames its strategy toward terrorist groups as a “war,” America will lack the

flexibility and capacity to employ available options that have been empirically effective in ending terrorist campaigns.

This article builds upon recent international relations (IR) scholarship that utilizes Pierre Bourdieu's theorization of social activity as "practices" to show that the foreign policy of states can be understood as the sum of social practices. Actions that appear "self-evident" or "common sense" are valued by social and political actors over those that do not appear to "make sense" and are most likely to rule the day when contradicting paths arise.¹⁰ Oftentimes, these practices appear so obvious as to require no thought at all. In the case of al-Qaeda, for instance, the group conducted a campaign of violent attacks against the United States, which responded in kind—it appears to be common sense. Taking the viewpoint of war as a social practice rather than just the outbreak of violence or instrumental use of force, though, exposes how US actions are framed and how that process implicates US policy choices. Some of the seeming contradictions (e.g., the confusing policy of allowing negotiations but not concessions) become more explicable.

Practices expected in a war—sitting down with the enemy to identify a peace settlement, exchanging hostages, and expanding fronts in a conflict—are not necessarily so in the context of counterterrorism, creating tensions and conflicting options that must be resolved in one way or another. How those issues are resolved reflects fundamental facets of contemporary international politics; more worryingly, it also highlights the inevitable difficulties facing the United States as it seeks to end the threat from al-Qaeda and its affiliates. This issue is not merely academic—these gaps and contradictions will make it increasingly difficult to end the threat from al-Qaeda and whoever else takes its place. Frequently, efforts appropriate to war particularly conflict with historically successful options in the end stages of terrorist campaigns. As long as the United States remains at war with al-Qaeda and its affiliates, these groups will remain influential merely because of US identification of them as the enemy. Thus, a powerful incentive exists for anti-American forces to continue to ally and identify with the group.

The Common Sense of War

The so-called practice turn in IR theory has had significant influence and has gained considerable traction in contemporary IR with scholars focusing their work largely on Bourdieu's notion of social "practices."¹¹ Although the utilization of his discernment follows historical trends of IR scholars incorporating sociological insights into their study, in this case the concept is particularly effective at revealing the manner in which actions—rather than simply concepts—are influenced by societal constructions.¹² Constructivist work has historically been quite good at identifying the existence of norms, ideas, and societal institutions in the international space, but practice-oriented scholars argue that the *actions* of international actors can equally be societally constructed even if they are not consciously understood as such. In short, these influences can be subtle and "unconscious":

Most of what people do, in world politics as in any other social field, does not derive from conscious deliberation or thoughtful reflection—instrumental, rule-based, communicative, or otherwise. Instead, practices are the result of inarticulate, practical knowledge that makes what is to be done appear “self-evident” or commonsensical. This is the logic of practicality, a fundamental feature of social life.¹³

In the context of war, this is especially important because much of what people do appears “self-evident” and relies on “common sense” even if those ideas are enshrined in doctrinal terms. The sheer rapidity of events in an armed conflict oftentimes precludes considered reflection or concern for social expectations—especially at the state level—and the result is that states and militaries tend to rely on what appears “practical” and realistic to guide their actions and policies.

Approaching war as a practice also exposes that actions that appear appropriate do so not necessarily because of anything essential or foundational but because of ideas and concepts that are created and constructed. Practices—in particular, political practices—arise from institutions and environments laden with power and authority. Some ideas (e.g., the preservation of the state or the continued primacy of the military in prosecuting conflict) are so deeply embedded and powerful that those values can remain implicit and unstated. They are the result of simple “commonsense” thinking, but such thinking inevitably reflects existing political structures and the preferences of those who currently possess authority. Thinking of war as a practice highlights how those institutions still shape and constrain the conduct of behavior whenever those practices take place. In other words, what appears normal, appropriate, and practical in war is often a function of political relationships and reflective of the strategic and political environment: “The reasons shaping human actions are relational, driven by a practical sense and by a degree of arbitrariness. This is why the social genesis of institutions is so central to understand any course of action. It allows us to understand how the initial violence or arbitrariness of specific reasons for setting rules comes to be normalized and forgotten.”¹⁴ In this particular case, even though the United States has embarked upon a war with al-Qaeda and its affiliates, its actions have raised the question of what exactly “going to war” means. As Audrey Cronin observes, war, despite its foundational role throughout history—much like sovereignty or terrorism—remains a concept that has meaning only in context and lacks unanimity in its definition. It mirrors terrorism in that “terrorism is intended to be a matter of perception and is thus seen differently by different observers and at different points in history. It is a term like *war* or *sovereignty* that will never be defined in words that achieve full international consensus.”¹⁵

This is not to argue that the concept of war has no meaning, but given that its meaning is not fixed, what it means to go to war is a reflection of the actor defining the term. As well, this is not to wade into the rich debate surrounding particular cultures and strategies or to identify the “American way of war” because, even if definable, it is constantly changing.¹⁶ What practice-oriented ideas do show, however, is at the basic conceptual level. For the United States, what stands out and is perhaps most illustrative of Bush’s point is that wars are linked to states. In US thinking, wars are distinguished from

other forms of violence by being the province of states (and occasionally state-aspirants that the United States deems legitimate).

Individuals who identify the distinction between war and terrorism have long observed that sovereign states largely determine when and where wars take place and how they are to be fought.¹⁷ Al-Qaeda, for instance, had been at war with the United States for years prior to the 2001 AUMF. The 1996 fatwa declaring war had been carried out in deed as well as word via the attacks on US embassies in Kenya and Tanzania in 1998 as well as the USS *Cole* in 2000. Despite the attacks, the war only truly “began” once the US government decided it was a war.¹⁸ Perhaps more importantly, however, the very concept of war as a distinctive use of force is one that values states and state authority in its conception. The most “normal” of all wars—those that the United States considers most “self-evidently” wars and not peacekeeping or humanitarian operations—are those that occur between and among states. World War II and the Persian Gulf War of 1991 are most clear, but even the “Cold War” as an organizing concept made sense largely because it was centered on preparations for state-state combat. The privileging of the state occurs throughout US thinking. From the very designation of actions like humanitarian intervention as “operations other than war” to the phrase used in the 2006 *Quadrennial Defense Review Report* (“wars in countries we are not at war with”), the United States focuses on states in its thinking and preparation for war.¹⁹ Even the doctrine of Gen David Petraeus and counterinsurgency operations throughout the years have been state-centric and based upon precluding territorial control—ending the threat from what the United States sees as a state-aspirant. Terrorists pose a different challenge in that one cannot assume that the primary and immediate goal is territorial control.²⁰

Sovereignty may be difficult to define, taxonomize precisely, or delineate exactly, but it is the organizing principle of IR and international politics.²¹ Even as it waxes and wanes in centrality, it remains the defining feature of the international system. As the most powerful state in this system of actors in which the state is the only one that can legitimately use military force, the United States singularly benefits from this system’s continuance. It is no surprise that this principle is reflected in the way in which America practices war. Such is particularly the case in conflict with terrorist groups since the United States has an interest in defining terrorism as an illegitimate tactic undertaken by illegitimate actors because it reinforces the notion that when America uses violence, it *is* legitimate.²² War is held up as a permissible tactic employed by legitimate actors—states. The problem occurs when this practice is brought into the context of a state fighting a terrorist group because complications inevitably arise. War, as a strategy and as a practice, no longer easily fits.

The Complications of War against a Terrorist Group

Because these conflicts occur due to the strategic framework the United States has chosen—the very way in which it conceives of the conflict—issues will continually arise in a variety of contexts. They will not be limited to one area of the conflict as long as the

overall frame is one of war. From the US perspective, this is problematic because it not only makes the ongoing prosecution of the war more complicated but also makes it tremendously difficult to end the threat from al-Qaeda and whatever future groups the United States identifies as its adversaries in this conflict. This is a particular problem when it comes time to begin the process of actually concluding the war itself. In the mind of US policy makers, the very existence of terrorist organizations poses an unacceptable threat. States like Iran or North Korea may represent an “intolerable” threat, but their continued existence is acceptable because of their status as states. Regarding a group like al-Qaeda or any other group designated as terrorist, in the eyes of the United States, its mere existence is unacceptable. In the context of a war, it means that the conflict is not and cannot be over until that group is *actually and fully* eradicated. Compare such a group with a country like North Korea that poses a much greater threat to the United States and its interests—a country with whom America has engaged diplomatically and made concessions. Its mere existence as an actor is not an indication that war is the primary option.

The wisdom of refusing to engage terrorist groups is a subject for debate, but it poses a unique problem as the war nears its conclusion because in contemporary practice, wars rarely end with the complete annihilation of the enemy. Even World War II’s unconditional surrender allowed the states of Germany and Japan, at a minimum, to *exist*.²³ Yet, according to this administration, the stated US goal vis-à-vis al-Qaeda is “effective destruction”—a policy at odds with the practice of contemporary war for the United States and much of the world for the past century.²⁴ Wars are disruptive and intrinsically violate sovereignty, but they do not endanger the overall system of sovereign states, at least partially, because they rarely end with one state’s elimination at the hands of another. As the most powerful state internationally, the United States has an overriding interest in maintaining the system of sovereign states that it leads. It also has an interest in eliminating nonstate actors who aspire to similar status and challenge this system’s basic tenets. Even if this goal is largely impossible, it is an understandable one. That said, in al-Qaeda’s case, it is more social movement than state and, as such, cannot be physically eliminated or annexed.²⁵ However, the option of *détente* or negotiated settlement is also removed, leaving the United States without much choice other than indefinite, open-ended conflict.

This ongoing nature of the threat is also at odds with the practice of war. We may disagree about its definition, but in practice (in the United States) we can agree that wars are understood as discrete events with a beginning, a middle, and an end.²⁶ Although terrorism is political, it possesses some attributes that are more criminal in nature. In particular, it parallels crime in that, in many cases, terrorism is something more realistically managed than eliminated in its entirety.²⁷ Especially as time progresses and the terrorist group(s) erodes, one should have an increasing awareness of the need to accept the occurrence of some level of terrorism as an ongoing threat, just as police entities accept some level of crime as inevitable and ultimately tolerable. As long as the United States remains at war with al-Qaeda and its affiliates, any fund-raiser, conspiracy, or at-

tack (attempted or successful) is evidence that the war has not reached its goal of the “effective destruction” of al-Qaeda; therefore, the war must continue. The ultimate effect is an ongoing, indefinite conflict.

Equally importantly, wars end but not just in any manner. For the United States, they do so either through some form of withdrawal from the battlefield—as is happening in Afghanistan and as precipitated the Bergdahl deal—or through some type of negotiation and minimal concession. Wars rarely result in annihilation despite the absolutist rhetoric that usually transpires in times of conflict. Instead, they typically end with both participants still intact as functioning (albeit weakened) actors in international politics. Consequently, terms have to be decided upon so that hostilities do not continue—something largely unthinkable in the case of al-Qaeda. Even if members of that organization were willing to come to the table to offer terms of surrender, there is no reason to believe that the United States would be willing to meet them there. At a more individuated level, given the ongoing targeted killings, individual al-Qaeda members or affiliates who might be willing to discuss terms of surrender would view any US willingness to meet as a trick to force key individuals to congregate and thus better enable their erasure. One unfortunate side effect of the near-exclusive reliance on killing over capturing, combined with an unwillingness to negotiate terms to end the conflict, is that it leaves current terrorists with no way out. The rational decision is to remain terrorists, given that, as long as the United States is in a state of war, at any future moment they could find themselves the subject of an American strike, even for past misdeeds.

Finally, the practice of war poses unique legal concerns for this conflict. For the United States, the end of a war necessitates prisoner exchange since there is no longer a reason to hold individuals—regardless of whether they are legally considered a soldier, enemy combatant, or unlawful combatant. The Bergdahl case was thorny, to be sure, for a variety of reasons, but it was at least with the Taliban—a former sovereign state regime. What will happen to the members of al-Qaeda were the war actually to end? How would the United States handle any captured members of *other* terrorist groups at that time? Guantanamo Bay remains open and is the most visible manifestation of this issue, internationally speaking, but the problem is not limited to one particular facility. Captured terrorists occupy a liminal space, and the current administration has largely sidestepped the issue of their ultimate disposition through its emphasis (in deed if not in word) on killing over capturing. Clearly, this issue will not go away and will complicate any attempt to end the conflict. As time goes on, the need to resolve the disposition of these individuals could conceivably encourage US policy makers to remain in a state of war rather than take the politically risky step of ending the conflict, at least partially, because it would necessitate returning individuals whom the United States has captured. One could see some of that thinking in the current debates regarding the new AUMF proposals, some of which revised or ended the 2001 AUMF entirely.²⁸

How Does It End?

Practices are hard to change—witness the fact that this war is already the longest in US history. More importantly, wars are not simply an organic outbreak of violence but the product of ideas and sociopolitical values. As long as the United States continues to treat a terrorist group—al-Qaeda or otherwise—as an enemy with whom it is at war, the United States will engage in actions that risk continuing the conflict indefinitely. Recognizing that a strategic framework of war makes certain actions appear “practical” reveals that as long as the United States continues to approach the threat from al-Qaeda and others as a war, it is unlikely to conclude because these actions are not optimal in the context of ending a terrorist campaign. This likelihood is not because of the difficulty in winning the conflict necessarily but because US actions will remain in line with the practice of war itself. War is not simply the utilization of violence in any fashion the United States or anyone else sees fit. The very meaning of war in the contemporary sense (for the United States) requires actions such as negotiated conclusions and the transfer of prisoners—actions largely at odds with broad historical trends in US counterterrorism policy.

The choice facing the United States is a daunting one that will demand a reformulation and reconceptualization of US counterterrorism policy. For over 14 years the United States has centered its strategy on war and the use of force, but other options exist and different strategic frames could be chosen. Moving away from a strategy of war is not a concession that “the enemy has won” or a move that precludes coordinated action and heavy resource investment to address the threat. It doesn’t even necessarily preclude the use of force—as amply demonstrated by the actions of presidents prior to 2001. But it does better enable a shift to strategies and frames that have been successful—especially in the end stages—of previous terrorist campaigns.

Should the United States move away from a central strategy of war, it could choose from many alternative frames. America could shift to a law enforcement model featuring a strategy of criminal justice designed to manage the threat; balance civil liberties with criminal prosecution; and plan active, preventive operations to foil attacks before they take place.²⁹ Alternatively, the United States could frame its efforts as seeking to split al-Qaeda into factions and reduce the threat by undermining its ability to coordinate. America could do so via a variety of instruments—strategic concessions, direct efforts to discourage adherents to their movement, or programs to encourage current members to exit the group.³⁰ Public diplomacy could be expanded to combat the presence and appeal of groups such as al-Qaeda and the Islamic State in areas like social media where they are most successful.³¹ The most likely solution is one that will combine these in one way or another, tailoring the overall strategy to the changing nature of the threat and evolving international context. Any such effort, though, will be made more difficult as long as the United States remains at “war” with al-Qaeda.³² Repealing the current AUMF, as some members of Congress have proposed, would remove military force as a first-line response and compel a broader congressional and public debate on how the United States should

move forward. It would also prompt a discussion about whether war is the appropriate frame for conceiving of and countering these threats. At a minimum, repealing the AUMF would be the first step toward identifying what the next phase should be in the conflict with al-Qaeda and whatever groups seek to take its place.

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Oil as the Path to Institutional Change in the Oil-Exporting Middle East and North Africa

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The Arab Spring has unleashed forces destined to change the political and economic landscape of the oil-rich Middle East region in the long run.¹ To date, the Arab Spring has not produced the expected change, but it has forced regional governments to be more responsive to citizens' demands. Until those protests and demonstrations occurred, the Arab world suffered the distinction of being without a functioning democracy. Although theories abound as to why this area has lagged behind, this article presents new explanations that shed light on the Arab democracy deficit. It also presents a new perspective on how the Arab world, particularly the oil-producing countries in the Middle East and North Africa (henceforth referred to as the oil MENA), can help make their transition into democratic states smoother and more peaceful. Furthermore, forces of instability will continue to hobble the region until it addresses the democracy deficit. For the oil MENA, a start—however gradual—should begin with an oil privatization program that would put oil wealth directly into the hands of citizens. The authors note that their original research in this area preceded the onset of the Arab Spring and that these policy prescriptions were advocated prior its instigation.²

Much has been written in the economic literature about the resource curse and its impact on economic growth and development.³ That research, however, misses the mark. The authors do not subscribe to the thesis that oil is the root of everything that afflicts oil

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states in the Middle East. Oil by itself does not prevent the onset of transparent and accountable democracy. Rather, the lack of sound democratic institutions that enforce property rights, nurture independent judiciaries, and support the rule of law prevents democracy from taking hold.

Citizens of the oil MENA region are constantly reminded through official speeches that the oil controlled by their governments belongs to the people. Yet, citizens often do not see benefits accruing to them in terms of oil revenue distribution. Or, if these benefits indeed exist, they are unequally distributed. Little accountability or transparency exists to inform the average citizen about what happens to income derived from oil as a result of social goals that are decided, predominantly by an unelected, well-connected few who presume to “know what is best” for the rest of the population.⁴

This article proposes an oil privatization plan whose goal is to transfer oil wealth from the oil MENA governments to the citizens.⁵ Its ultimate objective is to empower citizens of the oil MENA region and reduce waste and corruption that are so endemic in these resource-rich countries. The article seeks to answer the following questions:

1. How would the privatization plan change the power relationship between the government and the governed?
2. With impartial application, can the proposed plan help foster democracy and the ultimate missing ingredients in the Arab world—namely, accountable governments and the rule of law?
3. Will the plan reduce waste and corruption, and what are its limits?

The article includes a review of current literature followed by a section on empirical evidence about the state of institutions in the oil MENA region. It then explores the oil privatization plan, its implementation, and its limits: What are the costs and benefits of such a plan? How would it help the oil MENA build democratic institutions in the post-Arab Spring environment? Finally, the article summarizes and concludes with key arguments for the oil privatization plan.

Review of the Literature

As radical as the proposed oil privatization plan may seem, in 1989 Nobel laureate Milton Friedman suggested a similar approach within the general context of privatization of government-owned entities:

My own favorite form of privatization is not to sell shares of stock at all but to give government-owned enterprises to the citizens. Who, I ask opponents, owns the government enterprises? The answer invariably is, “The public.” Well, then why not make that into reality rather than a rhetorical flourish? Set up a private corporation and give each citizen one or one hundred shares in it. Let citizens be free to buy and sell shares.⁶

However, as a result of contextual differences Friedman may not have anticipated, the approach here differs somewhat from his plan, and the authors will explore this differ-

ence. We agree that if the public owns the resource, then the public, as citizens, should directly derive the benefits.

Marshall Goldman describes how Russia's Vladimir Putin has used the oil wealth of Russia to suppress the opposition, control the news media, and thereby buttress his power.⁷ Thomas Friedman devotes an entire chapter ("Fill 'er Up with Dictators") in his best-selling book *Hot, Flat, and Crowded* to discussing how government-controlled oil has propped up dictatorial regimes throughout the world.⁸ In his article "The First Law of Petropolitics," Friedman argues that an inverse relationship exists between freedom and oil wealth.⁹ However, that is not universally true, as we show below.

Commenting on "rent-ridden countries," Dr. Arvind Subramanian notes that economic rents from oil wealth often impede the development of good governments and of sound institutions:

The history of economic development suggests that in rent-ridden countries, governments have little incentive to create strong institutions. The state is relieved of the pressure to tax its citizens and has no incentive to promote the protection of property rights as a way of creating wealth. As for the citizens themselves, because they are not taxed, they have little incentive and no effective mechanism by which to hold government accountable.¹⁰

In this same vein, a report on the Arab world by the United Nations Development Program states that "in the rentier state, government is absolved of any periodic accountability, not to mention representation. . . . The rentier mode of production opens cracks in the fundamental relationship between citizens as a source of public tax revenue and government."¹¹

Similarly, Larry Diamond raises the issue of "the democracy deficit" in the Arab world and attempts to outline the reasons for its existence. The factors he outlines account for some of these reasons, but none of the ones he mentions fully resolve the issue.¹² The literature regarding Arab countries points to the resource curse as being among the factors that prevent democracy from taking hold.

Despite the number of articles and books written on the subject, the oil-curse theory does not fully explain either the democracy deficit or the lack of economic growth and development.¹³ If that were the case, it would be nearly impossible to explain the economic success of Norway or its functioning democracy. Moreover, it would be hard to explain the success of Singapore, a city-state without natural-resource wealth or oil, for that matter. Oil, we argue, is not a hindrance to economic prosperity, and the lack of oil does not doom a country's prospects to poverty. The focus must remain on institution building.

Furthermore, consider the United States. It began its status as an oil power in the late 1800s yet did not suffer from any of the ills of the so-called curse. It is clear, as Diamond points out, that the resource curse cannot be the culprit. Many functioning democracies outside the Arab world do not have oil, yet they are democratic. Moreover, some countries in the Arab world have no oil, but they are undemocratic.

Michael Ross has carefully examined the role that oil plays in hindering democracy.¹⁴ Among several effects, Ross examines the “rentier effect,” the “repression effect,” and the “modernization effect.” The oil rent (i.e., the flow of profits directly to governments from nationalized oil sectors) essentially frees governments from having to resort to direct taxation such as income taxes. In turn, these governments can excuse themselves from being accountable to the people they govern. Most of the Arab Gulf states fit this model; the situation is “no taxation, no representation.”¹⁵ Instead, these oil economies morph into an oil-revenue transfer machine to governments that decide spending; when, how much, and for whom. The plan presented here provides an alternative that could help smooth a transition to democracy in the region.

Prior to the Arab Spring, oil regimes found it easier to co-opt the opposition by buying their loyalty. Now, however, it is much more difficult. Recently, oil markets have softened, and prices have hovered slightly below \$50 a barrel. This situation will strain budgets in these oil economies that rely so heavily on oil revenues and make it more difficult to “buy” the peace. Figure 1 illustrates this phenomenon. Out of the eight MENA oil economies, only one is able to balance its budget at the current oil price of \$51.68.¹⁶ That country is Kuwait. Although a number of the MENA countries have sovereign wealth funds as well as foreign currency reserves and can fund the budget shortfall from these sources, the pressure on oil markets is projected to lead to lower oil prices if the Iran nuclear agreement is ratified by both sides.¹⁷

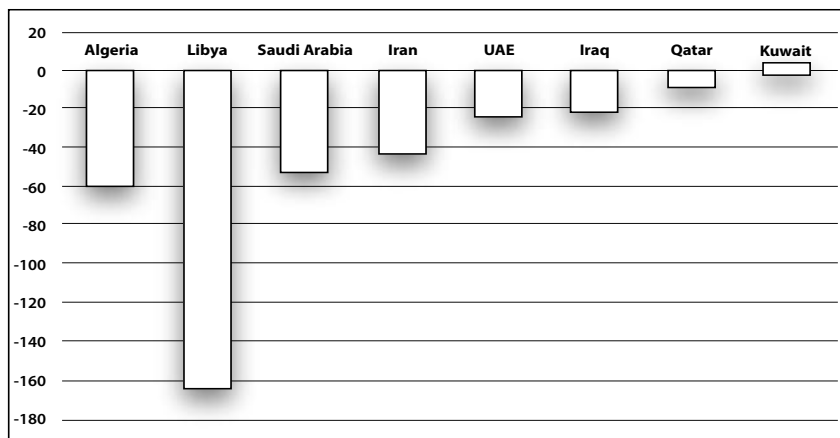


Figure 1. Oil market price versus break-even price to balance the budget. (Data from Benoît Faucon, Bill Spindle, and Summer Said, “OPEC’s Pricing Leverage Is Weakening,” *Wall Street Journal*, 31 May 2015, <http://www.wsj.com/articles/opecs-pricing-leverage-is-weakening-1433117819>.)

Ross contradicts the claim that governments relying on oil revenues are more likely to be authoritarian by the fact that a number of oil economies are democratic (e.g., Norway) while other undemocratic countries do not have oil.¹⁸ As noted earlier, both the oil and nonoil economies in the Arab world have spent heavily on security and defense in order to “repress” their population. In this respect, Ross is correct in citing the repression

effect as a major tool that hinders the onset of democracy since it is equally valid in the Arab world and other regions for both oil-rich and nonoil economies.

The evidence presented in figure 2 supports the findings of a number of scholars, including Ross—namely, that oil economies tend to divert a larger portion of their oil revenues toward defense than do nonoil economies.¹⁹ Revealed in the data displayed in the figure is the much larger share of defense spending by the United Arab Emirates (UAE) and Saudi Arabia compared to that of the United States and Norway, despite the fact that America is a military power that often supports those Arab countries militarily and that Norway is an oil economy. For example, the UAE, Saudi Arabia, and Kuwait—even with their high levels of military spending—called on the United States and its allies to help dislodge Iraq from Kuwait.²⁰ Nor is Algeria immune from this spending. In fact, it spends more as a proportion of its gross domestic product on defense than does Norway for most of the years measured, particularly after 1993. Oil wealth and the lack of accountability enable those countries to commit huge resources to their militaries, which are sometimes still dependent on outside assistance.

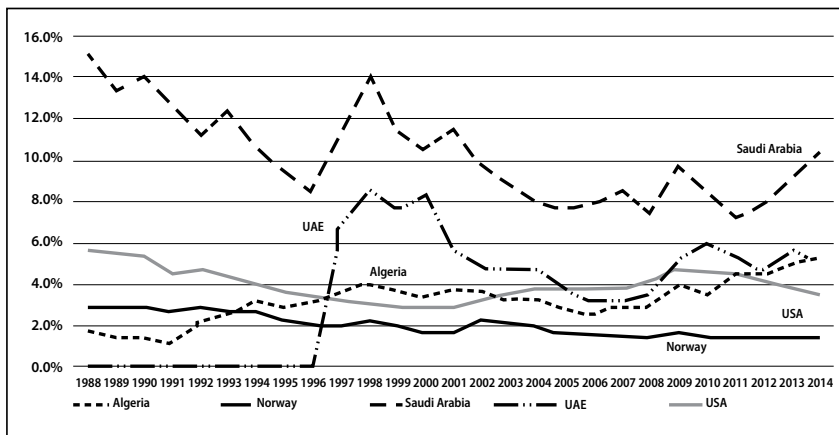


Figure 2. Defense spending as a percentage of gross domestic product. (Data from “SIPRI Military Expenditure Database, 1988–2014,” Stockholm International Peace Research Institute, accessed 8 September 2015, http://www.sipri.org/research/armaments/milex/milex_database.)

Ross’s “modernization effect” does not appear to explain either the onset or retardation of democracy. He argues that economic development and education did not lead to a wave of democratization prior to the Arab Spring even though the Arab world has made strides in these areas in general.²¹ Yet, this region lags behind the rest of the world in mature civil societies and democratic institutions. In other words, to be developed does not necessarily mean to be democratic.

The research of Michael Alexeev and Robert Conrad supports the claim that oil cannot be the binding constraint hindering economic growth and development of the oil states in the Arab world.²² In fact, they assert that oil helped foster economic development of the oil states. Alexeev and Conrad’s arguments are valid up to a point. Research presented in this article indicates that even though oil may have helped in some limited

way to fund government activities, it distorted the incentives that would have allowed economies to grow much faster and certainly more democratically. Perhaps the lack of checks and balances afforded by an active legislative branch of government or by an independent judiciary contributed to this distortion.

Alexeev and Conrad's conclusions support the contention that something other than oil causes this distortion, with an emphasis on an "unknown" they call "phenomenon X": "The role of X has been played by the Dutch disease, civil conflict, rent seeking, neglect of human capital development, decline in saving and investment, and increase in income inequality, among other factors. Recently, deterioration of institutions appears to have emerged as the most popular interpretation of phenomenon X."²³

Their finding is consistent with the position of this article: the problem with slow or no movement toward democracy is related to the "deterioration of institutions" and not oil.²⁴ If proof is needed to show that simply being rich in oil is enough to foster democracy, then the Arab Spring has shown that oil by itself and the income from it do not foster democracy's growth.²⁵

Education level is another factor that can potentially move Arab countries toward democracy. Filipe Campante and Davin Chor look at the influence of education in the context of the "modernization hypothesis." Although one would expect education to lead to democracy, they note that not all empirical evidence shows that *education matters*. Others have pointed out that "these findings are spurious, in that they are driven by the joint increase over the years of both education and the spread of democracy across rather than within countries."²⁶

Left unsaid is the fact that an increase in more educational expenditure alone proves insufficient. The quality and type of education are important aspects of democratization as well. The quality of education must produce basic reading and arithmetic skills, and the type of education available must meet the demands of the labor market. The lack of either one will limit much of the policy inference based on these studies.

The problem in the oil MENA involves the failure of educational systems to deliver a consistently high-quality education, complete with teaching skills, that these economies need. One could ask, Had the education systems in the oil MENA managed to deliver what the labor markets needed, could the Arab Spring have been avoided? This article maintains that the protests would have occurred even without education factored into the equation. The fundamental problem that inspired the Arab Spring relates to the nonexistence of basic institutions and the lack of accountability of governments that should have safeguarded the rights of individuals in the region. Figure 3 illustrates this assertion.

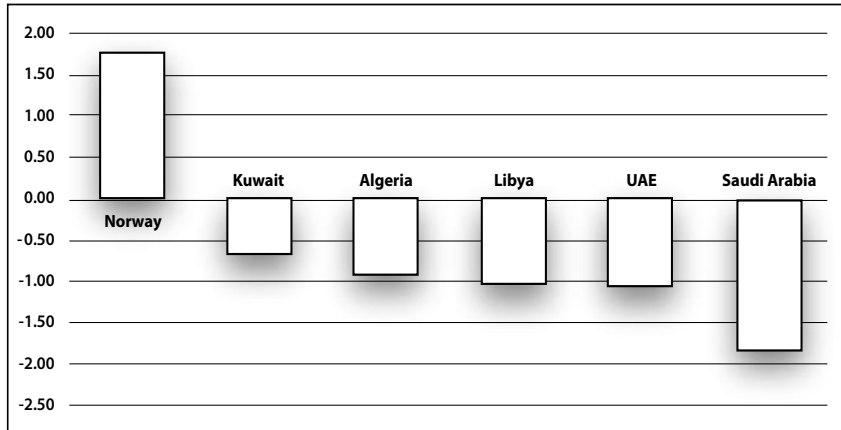


Figure 3. Voice and accountability: 2013 estimate. The estimated values for governance shown in the figure are from a value of -2.5, which is considered “weak,” to a value of 2.0, which is considered “strong” for governance performance. (Data from “Worldwide Governance Indicators, 2014 Update,” World Bank, accessed 8 September 2015, <http://info.worldbank.org/governance/wgi/index.aspx#home>.)

As the data in the figure indicate, the five Arab oil-exporting countries do not compare favorably with Norway regarding voice and accountability.²⁷ As the natural-resource curse would imply, oil did not prevent Norway from having sound democratic institutions to safeguard the rights of its citizens. As seen in much of the relevant literature that relates to oil and democracy, the findings are consistent: the fact that a country is oil rich and has a functional educational system does not explain the lack of sound democratic institutions and democracy.

The major difference between Norway’s higher score and that of the Arab oil-producing states shown in figure 3 relates to when the oil was discovered. On the one hand, countries in the oil MENA region that discovered oil *before* they built these institutions did (and still do) poorly in terms of voice and accountability; consequently, it was a challenge—but not an impossibility—to build them after the oil income began to pour in.²⁸ On the other hand, oil economies that discovered oil *after* they built democratic institutions rank high in these measures. In support of these facts, Kevin K. Tsui finds that “a larger quantity of oil discovered is strongly linked to slower transition to democracy.”²⁹ Furthermore, he argues that when a country with a democratic government stumbles on a significant oil find, it has no impact on the quality of democratic institutions.

Democracy through Oil

With an eye to the importance of institutions as major drivers of democracy in the Arab world, this article proposes a plan, not set in stone, to foster democracy. The model may appear impractical, but we stress that Norway and the United States, with particular emphasis on the oil-rich state of Alaska, are operating well and democratically under a similar model.

Middle East oil development went through two major historical periods. The first period was characterized by the oil majors'—the so-called seven sisters'—control of oil from the wellhead to the gas station. These private international oil companies, headquartered outside the MENA, were interested in producing as much oil and profit as they could, knowing that the sovereign governments in the Arab world would sooner or later assert control over oil production decisions.³⁰

In the early 1970s, change over oil production decisions began and essentially transferred ownership and control from the seven sisters to the sovereign governments.³¹ One could view this transfer as the beginning of what advocates of the resource curse refer to as the negative impact of oil on economic development and its effect on setting back the possibility of democratic change.³² Transfer of ownership and control meant that oil revenues, in much greater amounts than before, would accrue to national nondemocratic governments. With this change began the ills associated with *government* oil ownership such as rent seeking, corruption, and large defense spending (see fig. 2).

To correct the high rates of corruption shown in figure 4, this article proposes an alternative to the status quo: the oil MENA countries should transfer property rights in oil from their governments to the rightful owners—the citizens.³³ This proposal simply affirms what the leaders in these countries claim or allude to time and time again in various speeches—specifically, that the oil wealth belongs to the nation and its people. Recalling Milton Friedman's quotation at the beginning of this article, the next step is simply to make this a reality.

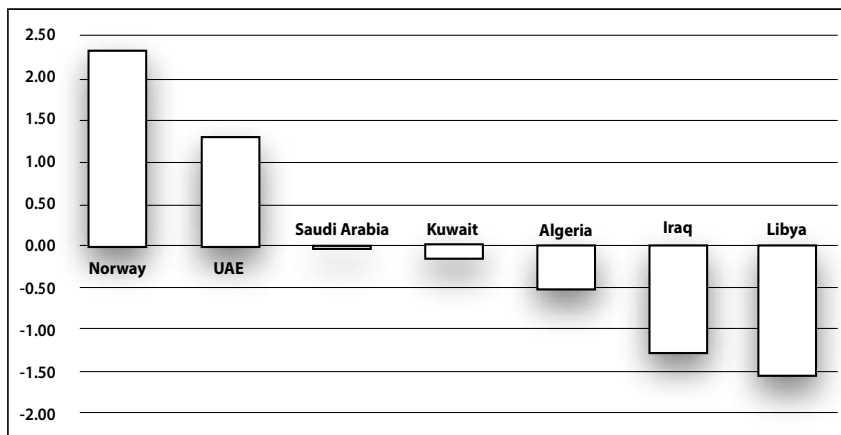


Figure 4. Control of corruption: 2013 estimate. The estimate for 2013 ranges from a value of -2.0, which would indicate a weak governance performance (corruption in this case), and a value of 2.5, indicating a strong governance performance. Norway again tops the group of oil producers shown in this figure, followed by the UAE with about half the value of Norway. The rest are mostly in negative territory. (Data from "Worldwide Governance Indicators, 2014 Update," World Bank, accessed 8 September 2015, <http://info.worldbank.org/governance/wgi/index.aspx#home>.)

Achieving the change in property rights from governments to citizens presents a challenge, but the Arab Spring has shown that rulers in the oil MENA region registered the sense of frustration among their populace. Although their response was the typical Band-Aid approach and not as radical as this proposal, it nevertheless put them on notice

that the patience of citizens in the oil MENA has run its course. Failure to proactively tie the interest of citizens to that of the rulers will continue to create instability or worse yet—a descent into a failed state, as is occurring in the region (Iraq, Syria, Yemen, and Libya).

Had oil been the property of citizens instead of governments, that fact likely would have led to a more optimal policy concerning the rate of oil production being more consistent with the countries' needs and perhaps a more moderate level of military defense spending than the high level shown in figure 2.³⁴ The main result, however, would have been strong movements toward democracy and fair, legal institutions in those nations. We support the assertion in the following section.

The Oil Privatization Plan: A Path towards Democracy?

In light of the Arab Spring with its demands for more accountability and political freedom in the region, an oil privatization program would answer a number of deficiencies shown earlier in the figures presented so far.³⁵ The proposed plan has several aspects worth examining.

First, Arab governments of the oil MENA will not have to deal with an oil strategy that includes oil production and pricing issues.³⁶ When oil markets soften and oil prices drop as they have in the past, the governments will not be to blame. Since citizens and not governments are the ultimate owners, when lower oil prices occur and thus decrease oil income, the result will be attributed to international markets rather than government mismanagement.

Second, oil privatization will address the fairness issue in the oil MENA. Profits totally dedicated to the government and not given equally to citizens or projects benefiting them will be distributed to citizens on a per capita basis. Each citizen will be allocated the same number of shares per capita in the privatized oil company, which used to be the national oil company. Furthermore, the new citizen-owners will be able to decide how to spend their additional income. In the aggregate, their spending patterns will likely be very different from the excesses shown earlier in the figures.

Third, the outlay of oil revenues should become more stable since spending on consumer and household goods generally is less volatile, compared to that in other sectors of the economy. Instead of spending from the government *spigot*, often on projects without direct benefits to the citizens, expenditures will be more decentralized by numerous citizens as the new resource owners.

Fourth, from the perspective of economic development, local economies will benefit. There is less likelihood that the *new* spending will be wasteful—and definitely not for *white elephant* projects. Political corruption associated with concentrated flows of oil revenues to governments, as depicted in figure 3, should either lessen or cease. Thus, from an economic-policy view, the allocation of resources will proceed in a more efficient manner based on choices made from the bottom up. It is hard to imagine that expenditures could be any worse than they have been since the 1970s when transfer of property rights from

the oil majors to governments in the region occurred. Since then, Arab oil producers' economic performance has been a failure.³⁷

Fifth, this proposal would help the Arab world deal with its “youth bulge,” the large percentage of people 30 years of age or younger who are unemployed—one of several factors that contributed to the Arab Spring. Figure 5, which shows youth less than 15 years of age in select countries in 2012, indicates that in some Arab countries the youth bulge will grow even greater within a few years.

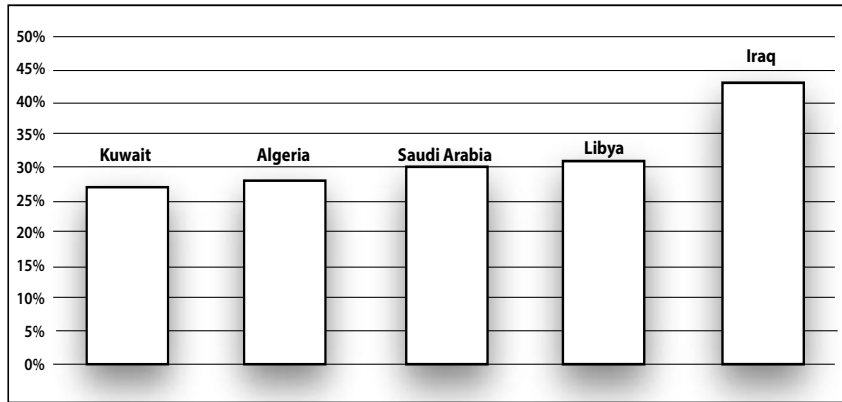


Figure 5. Population under age 15 in selected MENA countries. (Data from table titled “Population under Age 15 (Percent),” Henry J. Kaiser Family Foundation, accessed 14 June 2013, <http://kff.org/global-indicator/population-under-age-15/>.)

The oil MENA has been unable to offer a sufficient number of jobs for a youthful, growing labor force. Recently, President Obama noted this fact as a source of instability when he said in a speech to the Organization of African Unity, “We need only to look at the Middle East and North Africa to see that large numbers of young people with no jobs and stifled voices can fuel instability and disorder.”³⁸ The proposed privatization plan would create a bottom-up inflow of oil profits to citizens that would increase discretionary household expenditures. In turn, this spending would stimulate hiring and thus provide more job opportunities for youth rather than supply more armaments that do not meet the immediate needs of the general populace. Investment capital produces more goods and services, which enhance employment—including youth employment.

The response by Arab governments to the pressures of the youth bulge has been to “throw” money at the problem by producing more oil instead of addressing the fundamentals of providing jobs and training. The danger for the oil MENA is that this situation continues to this day. As a result of the Arab Spring, Saudi Arabia, the UAE, Kuwait, and Algeria have resorted to increasing public sector salaries without regard to the long-term cost or increases in national output. Doing so may temporarily placate their population and buy some peace, but it will increase oil extraction in the short term to support those unprofitable expenditures, bringing about an earlier end to oil wealth and less oil revenue as more of them produce more. Worse still, given the Iran nuclear deal (should it be ratified), more oil will flood the markets, making the option of “buying the peace” by

throwing more money at the problem unworkable. Thus, a privatization scheme, through the equitable distribution of shares to citizens, would address many grievances of the youth who revolted during the Arab Spring. In addition, it could lessen sectarian and interethnic conflict.

Why would adoption of a privatization model generate incentives to lessen such conflict? One reason for improvement is that if all citizens receive equal dividend income, regardless of faith or ethnicity, there can be no claim of government partiality in favor of one faith or ethnicity. Second, when the transfer of ownership is complete, it would not be in anyone's interest to destroy the common source of income that everyone receives. The various groups would have a strong incentive to preserve the oil wealth, and citizens would increasingly view themselves more as members of the nation and less as members of a tribe or religious group.

The proposed plan calls for existing national oil companies to change governing boards. Rather than have government officials or royalty control the oil, boards staffed by members of the general citizenry on a term basis, elected or appointed, will do so. These citizens will form boards of trustees that oversee the running of oil companies and the distribution of profits to the general population.

Once the legal change in ownership from government to citizens has occurred, the company can issue shares to citizens on an equal per capita basis.³⁹ The new board of trustees will make all decisions pertaining to dividend payments, oil production policy, and pricing. Unlike today's controllers of oil profits, these boards will be developed by each country according to its needs, responsible to the citizens and charged with spending according to their requirements and wishes. These changes will completely remove the central government from the process. For transparency and accountability, each board of trustees will make all accounting publicly available on a continuous basis on the web or by other means.⁴⁰ Citizens will receive dividends based on how well their citizen-owned oil company does in producing and selling oil and any other hydrocarbon-based products.

Potential Issues with the Privatization Plan

This approach will face two significant problems. First, governments in general are not likely to give up a guaranteed source of revenue that helps them stay in power. Since the Arab governments in oil-producing countries depend on oil revenues for a large portion of their needs, it is difficult for them to imagine an alternative. However, as noted at the beginning of the article, tax revenues from citizen-owners replace the previous stream of income that governments received directly from the oil industry. In the proposed policy change, the annual needs of a government for revenue would come through a direct income tax. Many countries do not have oil or natural resources to speak of but manage to do better than oil-based economies. Singapore is one of them. Dividend income from shares in the oil companies would be treated as ordinary income subject to standard rates of income taxation.

For the Arab countries that do not have an income tax at the moment, such as the Gulf oil producers, the change may present a challenge, but it is one that can be dealt with. Algeria, for example, will not face this problem since it already has a widespread income tax system in place. A move toward direct taxes as the main source of government revenue would at least help address the waste and corruption problem outlined here. Arab governments are not alone when it comes to excessive and wasteful government spending. All government bureaucracies tend to expand their size and costs beyond the social benefits they provide, as the *public choice* literature tells us.⁴¹

The second problem concerns stock markets. As mentioned earlier, markets in the Arab world are not as advanced as those in other emerging and developed economies. Therefore, the average citizen may not have much experience as a stockholder. Moreover, adding to this problem, this plan provides stock with rights to an equal share in the common flow of benefits from the country's oil wealth that will generate earnings throughout the life of the resource.

Some stockowners may not appreciate such long-term value. That is, they will not understand the uniqueness of the stock or even the meaning of capitalized value. Like any stock, this one will have value that theoretically reflects the present discounted worth of the anticipated stream of income over the length of the resource's life. Citizens will need education about this new stock and ways of managing it. Because stock ownership will be novel to many citizens of the oil MENA region, the uninformed citizen-owner could be tempted to sell valuable shares for less than their worth. Thus, if citizens were permitted to sell their shares soon after issuance, the goals of the model would be defeated because this freedom to sell could allow individuals who accumulated wealth through illegal means prior to the change in property rights to gain control of the market.⁴² To prevent this fate, the plan contains a condition that oil shares issued to citizens are theirs as long as they live. If this provision is not possible, then at least the plan must have restrictive conditions on selling shares in order to avoid abuse.

Although it is a state rather than a nation, Alaska has a large land mass and oil deposits. By contrast, the Alaskan case shows the feasibility of distributing income derived from oil wealth to all citizens. That state's system closely approximates the type of distribution system suggested here. US citizens who reside in Alaska for one continuous year are entitled, as Alaskan citizens, to receive a disbursement each following year from the Alaska Permanent Fund (APF), set up to benefit future generations. "Many [Alaskan] citizens . . . believed that the legislature too quickly and too inefficiently spent the \$900 million bonus the state got in 1969 after leasing out the oil fields. This belief spurred a desire to put some oil revenues out of direct political control."⁴³ Since the APF started disbursing payments to Alaskan citizens in 1982, per capita annual disbursements have ranged from \$331.29 in 1984 to \$1,884 in 2014.⁴⁴ One difference between the plan proposed here and Alaska's is that Alaska derives its payments from the oil company's royalty payments to the state. The payments from our plan come from the annual oil revenues directly distributed as dividends.

Despite the differences in the dividend distribution system between Alaska and the MENA region, it is important to consider how much the oil MENA citizens would benefit. Figure 6 suggests that the benefits would be substantial, based on the income per capita generated by oil exports for the year 2014. For example, Qatari citizens' per capita oil income would average \$36,000 per year while Algerians are at the bottom at about \$1,326 per capita per year.⁴⁵

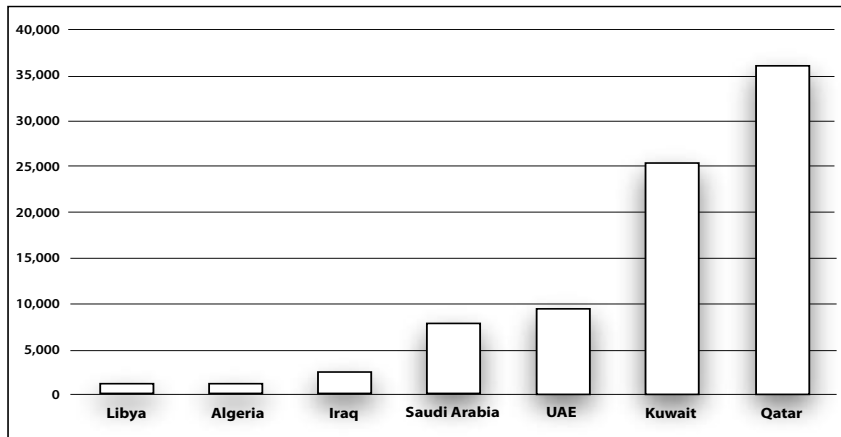


Figure 6. Arab per capita net oil-export revenues for 2014. (Data expressed in 2014 dollars for the same year. From "OPEC Revenues Fact Sheet," US Energy Information Agency, 31 March 2015, <http://www.eia.gov/beta/international/regions-topics.cfm?RegionTopicID=OPEC>.)

These are not direct payments to citizens, as is the case in Alaska, but estimates of the per capita income when the population divides the oil-export revenues. That amount is per person, so on per family basis, it would be substantial. Since the US oil production surge and change in fundamentals of the world oil markets, oil prices have dropped significantly to the low 50s. It is important to note the significance of such a drop to the implications of our proposed privatization plan.

The proposed privatization would generate approximately this amount in terms of dividend payments to citizens of these Arab oil-producing countries. The gross figure excludes the costs of extracting the resource from the ground—the actual receipt of income by citizens would be less since some of this revenue would finance the maintenance of industrial facilities and fund further exploration.

Conclusion

As Daniel Kahneman notes, the proposal would change the incentives, and governments would need to be more accountable to the citizens that they serve.⁴⁶ Although the oil privatization plan proposed here would face obstacles during the implementation stage, it should receive serious consideration. Given the state of the oil MENA region at the moment and the fact that the status quo has fueled the unrest witnessed since 2011, clearly it is time for a new policy approach. In the long run, the region would be better off

if governments enabled citizen ownership of petroleum and natural gas resources through the issuance of stock shares that would provide dividends from those shares.⁴⁷

There are spillover benefits to the United States in particular when it comes to the cost of projecting power in the region to safeguard the oil supplies as well as assuring safe passage of oil and overall stability in the region. The proposed plan would lessen the sectarian strife that is threatening that stability and could lead to a lesser US footprint in the region, thereby lessening the cost of US projection of power there.

In summation, this plan would turn what has inaccurately been perceived as a natural-resource “curse” into a “blessing.” Democratic institutions and more democratic states will arise as the degree of political corruption declines. The time is ripe for citizens of the Arab oil-producing countries to truly “own” their national resources. It would be a crime of omission for Arab leaders to prevent this flow of blessings and help usher democracy, however slowly, into the region. Despite the challenges that our policy proposal may present, the status quo is too costly for this area and beyond. The *Economist* supports our claim that the status quo is unsustainable and that the alternative may be worse: “The argument that some civilizations are unsuited to democracy has been used from Taiwan to South Africa: it seldom holds water for long. The Arab spring has so far been mainly a mess. But to condemn Arabs to political servitude is no answer. It only delays the explosion.”⁴⁸

Notes

1. This article’s ideas about the privatization of oil and empowerment of the citizen were first laid out in Mohammed Akacem and Dennis D. Miller, “Let It Flow,” *Washington Times*, 21 February 2003, <http://www.washingtontimes.com/news/2003/feb/21/20030221-085612-4813r/>. The authors point to the Arab Spring as a direct consequence of potential results if the reforms suggested in 2003 are not seriously considered. It is too early to say if the Arab Spring will lead to meaningful change in the Middle East and North Africa, but in this article the authors maintain that without the proposed reforms, citizens in the Arab oil-producing states will continue to push for a larger share of the oil wealth. If they are deprived of the proper channels through which to express their preference and vent their grievances, they may resort to other means, destabilizing the entire region with wider effects on the world’s oil markets and economy. The figures in this paper are derived from data from the indicated sources.

2. Ibid.

3. The resource-curse theory holds that resource-rich countries tend to exhibit low economic growth rates despite their natural resource endowments. For example, see Paul Collier and Anthony J. Venables, eds., *Plundered Nations? Successes and Failures in Natural Resource Extraction* (New York: Palgrave Macmillan, 2011).

4. This article provides evidence about the lack of accountability and compares Arab oil-producing states to Norway based on data from the World Bank’s governance indicators.

5. The terms *plan* and *model* are used interchangeably to refer to the proposed oil privatization plan. The plan or model will argue for a share distribution plan in which each citizen will receive dividends based on the profitability and sale of oil (and gas in some cases). Details of the plan, the way it works, and its limits appear in later chapters.

6. Milton Friedman, “Using the Market for Social Development,” in *Economic Reform in China: Problems and Prospects*, ed. James A. Dorn and Wang Xi (Chicago: University of Chicago Press, 1990), 13.

7. Marshall I. Goldman, *Petrostate: Putin, Power, and the New Russia* (New York: Oxford University Press, 2010).

8. Thomas L. Friedman, *Hot, Flat, and Crowded: Why We Need a Green Revolution, and How It Can Renew* (New York: Farrar, Straus and Giroux, 2008), 79–100.

9. See Thomas L. Friedman, “The First Law of Petropolitics,” *Foreign Policy*, 16 October 2009, http://www.foreignpolicy.com/articles/2006/04/25/the_first_law_of_petropolitics. In reality, it is not a “law” per se and is contradicted by Norway. There, a positive correlation exists between oil wealth and democracy. Rather, the issue is merely the difference between those countries that discovered oil *before* having established a solid institutional framework and those who stumbled on the oil riches *after* having already set in place the rules of the games and a strong democracy.

10. Arvind Subramanian, “Egypt’s Rent Curse,” Peterson Institute for International Economics, 22 February 2011, <http://www.piie.com/blogs/realtime/?p=2047>.

11. See United Nations Development Program, Arab Fund for Economic and Social Development, and Arab Gulf Programme for the United Nations Development Organization [hereafter UNDP], *Arab Human Development Report, 2004: Towards Freedom in the Arab World* (New York: UNDP, 2005), 152, <http://www.arab-hdr.org/publications/other/ahdr/ahdr2004e.pdf>.

12. See Larry Diamond, “Why Are There No Arab Democracies?,” *Journal of Democracy* 21, no. 1 (January 2010): 93–104.

13. Mohammed Akacem, “The Fallacy of the Resource Curse in Arab Oil Economies: The Role of Institutions” (paper presented at the Association of Private Enterprise Education meeting, Maui, HI, April 2013).

14. Michael L. Ross, “Does Oil Hinder Democracy?,” *World Politics* 53 (April 2001): 325–61; and Akacem, “Fallacy of the Resource Curse.” In this article, the authors tested for the resource curse using panel data but found no evidence of its existence. The same was true of a test for the curse in Norway. Much of the work on the resource curse, although it sheds light on important issues, has ignored or did not test for the role of institutions. This article does not explain the model’s technical aspects, but it is important to recognize that when nations have oil, democracy may experience difficulty taking hold. This phenomenon appears to depend on when oil was discovered: before or after the government and other institutions were set up.

15. Brian Whitaker has explained that “as a rule of thumb, high taxes can act as a spur towards democracy and accountable government. Conversely, where taxes are low, the pressure for democracy and accountability is usually less.” See “Why Taxes Are Low in the Middle East,” *Guardian*, 23 August 2010, <http://www.guardian.co.uk/commentisfree/2010/aug/23/why-taxes-low-arab-world>.

16. Benoît Faucon, Bill Spindle, and Summer Said, “OPEC’s Pricing Leverage Is Weakening,” *Wall Street Journal*, 31 May 2015, <http://www.wsj.com/articles/opecs-pricing-leverage-is-weakening-1433117819>.

17. Ironically, the largest sovereign wealth fund (SWF) is not from the MENA region and in particular not from the UAE or Saudi Arabia. Instead, Norway has the largest SWF and the most transparent of all SWFs in the world. This fact supports our main thesis that solid institutions matter and do support the building of viable democracies where there is a will. See “Sovereign Wealth Fund Rankings,” Sovereign Wealth Fund Institute, accessed 31 July 2015, <http://www.swfinstitute.org/sovereign-wealth-fund-rankings/>.

18. Ross, “Does Oil Hinder Democracy?,” 337. An example would be the nonoil Arab countries in the MENA.

19. See *ibid.*; and Michael Alexeev and Robert Conrad, “The Elusive Curse of Oil,” *Review of Economics and Statistics* 91, no. 3 (2009): 586–89.

20. Kuwait is not shown in figure 1, but the data reveal a much higher percentage of defense spending than for its Gulf brethren, particularly during the Desert Storm conflict and afterward. Kuwait’s expenditure on the military in 1990 was 48.5 percent of gross domestic product; in 1991, 117 percent; and in 1992, 31.8 percent. See “Military Expenditure,” Stockholm International Peace Research Institute, accessed 14 September 2015, <http://www.sipri.org/research/armaments/milex>.

21. Ross, “Does Oil Hinder Democracy?”

22. Alexeev and Conrad, “Elusive Curse of Oil.”

23. *Ibid.*, 586.

24. Mohammed Akacem, "The Economics of the Arab Spring: Implications of the Resource Curse" (paper presented at the Southern Economic Association, 82nd Annual Meeting, New Orleans, 16–18 November 2012).

25. Tunisia, Libya, and Egypt all had changes in governments brought about by the Arab Spring. However, other Arab countries either undertook actions to prevent full-scale revolutions or suppressed uprisings. For example, Algeria suppressed revolts, but it was quick to offer a carrot in the form of salary increases to government employees. It would not have done so without the Arab Spring. Kuwait and Saudi Arabia also announced large spending programs in favor of the youth but also rewarded public sector employees with large salary increases.

26. Filipe R. Campante and Davin Chor, "Why Was the Arab World Poised for Revolution? Schooling, Economic Opportunities, and the Arab Spring," *Journal of Economic Perspectives* 26, no. 2 (2012): 184.

27. "Voice and accountability captures perceptions of the extent to which a country's citizens are able to participate in selecting their government, as well as freedom of expression, freedom of association, and a free media." "Voice and Accountability," World Bank, accessed 29 June 2014, <http://info.worldbank.org/governance/wgi/pdf/va.pdf>.

28. Mohammed Akacem, "The Fallacy of the Oil Curse and the Fate of the Arab World," *Your Middle East*, 22 May 2013, http://www.yourmiddleeast.com/business/the-fallacy-of-the-oil-curse-and-the-fate-of-the-arab-world_15249.

29. Kevin K. Tsui, "More Oil, Less Democracy: Evidence from Worldwide Crude Oil Discoveries," *Economic Journal* 121, no. 551 (March 2011): 90.

30. The "seven sisters" included the Anglo-Persian Oil Company (BP), Gulf Oil, Standard Oil of California (SoCal), Texaco (Chevron), Royal Dutch Shell, Standard Oil of New Jersey (Esso), and Standard Oil Company of New York (ExxonMobil). For more on this process and resulting spikes in the price of internationally traded oil, see Ali D. Johany, *The Myth of the OPEC Cartel: The Role of Saudi Arabia* (New York: John Wiley & Sons, 1980).

31. Ibid.

32. The authors maintain that oil is not the culprit. Rather, the culprit is simply the unaccountable governments that control the oil and receive the oil revenues. The proposal to change the direction of the flow of oil revenues from governments to citizens avoids the downsides of previous arrangements.

33. The privatization scheme that we propose was first outlined in Akacem and Miller, "Let It Flow."

34. The question without a full answer is, How does one convince an oil government to let go of the controls it has over the oil wealth and distribute it to its rightful owners? Based on the Arab Spring, the citizens' threat produced enough of an incentive to a number of oil-exporting countries to undertake changes that would satisfy the grievances of the general populace. The alternative unrest and instability are hobbling a number of countries in the region. Once the citizens have a stake in the wealth of the country, they are not likely to join extremist groups or attempt to destabilize the government.

35. The model proposed here is a revised version of the one suggested in Mohammed Akacem and Dennis D. Miller, "Privatizing OPEC: A Property Rights Perspective," *Berichte / Forschungsinstitut der Internationalen Wissenschaftlichen Vereinigung Weltwirtschaft und Weltpolitik* 15 (2005): 70–80. A fuller discussion of oil privatization can be found in Mohammed Akacem, "The Myth of the Oil Curse in Arab Oil Exporting Economies: Evidence from Norway and Singapore," *Singapore Middle East Papers*, no. 13 (22 June 2015), https://mei.nus.edu.sg/themes/site_themes/agile_records/images/uploads/Download_SMEP_13_-_Akacem.pdf.

36. References to the "Arab world" in this article mostly concern the oil-producing states within it. Policy prescriptions and proposals are specific to the oil producers only, not to the nonoil producers.

37. The authors are not claiming that when the oil majors had full control of oil resources that the Arab countries were better off. They were not. But the change in property rights from the oil majors to governments did not improve the situation because the governments and the leadership in these countries do what the oil majors did. However, the government and leaders spent to directly benefit their own governmental interests rather than the people, all the while claiming that oil was the property of the citizens. This tendency

has a long history. See Dennis Miller, “States Do Good, Arab Economies Done Ill,” op-ed, *Wall Street Journal*, 3 September 1987.

38. “Remarks by President Obama to the People of Africa” (Washington, DC: White House, Office of the Press Secretary, 28 July 2015), <https://www.whitehouse.gov/the-press-office/2015/07/28/remarks-president-obama-people-africa>.

39. As stated earlier in the article, a percentage of the oil wealth must be reserved for future generations.

40. Norway shows that this is easy to do. Data about the fund are available on the web for anyone to see. Indeed, see “The Norwegian People Own the Fund,” Norges Bank, accessed 14 September 2015, <http://www.nbim.no/en/>. Also, as noted earlier, while no government will easily give up controls of the oil wealth, the Arab Spring serves as a warning to leadership in the Arab oil-exporting countries that sooner or later a change of the status quo needs serious consideration. Several countries discussed earlier indicate that they will respond.

41. See James M. Buchanan and Robert D. Tollison, eds., *The Theory of Public Choice: Political Applications of Economics* (Ann Arbor: University of Michigan Press, 1972).

42. This group includes former government officials, members of the royal family, and businesses that may have accumulated wealth illegally. Nonnationals or even Western oil companies could corner the market since they would have the funds to do so.

43. “Alaska Permanent Fund Corporation,” Sovereign Wealth Fund Institute, accessed 14 September 2015, <http://www.swfinstitute.org/swfs/alaska-permanent-fund-corporation/>.

44. *Ibid.*

45. This represents a significant drop from the figures of 2011, a drop from \$50,000 to \$36,000 for the Qatari citizen, and a drop from \$1,600 to \$1,326 for the Algerian citizen (i.e., for each person, so an average family would still do well on the basis of purchasing power parity).

46. Accountability is enhanced by what Nobel Prize recipient Daniel Kahneman refers to as the “endowment effect”: “Owning the good . . . increase[s] its value.” When governments controlled and essentially owned the good—in this case, the flow of income from oil—the citizens were disconnected from the resource and were owners in name only. But once they receive the actual income, they become its owners. When that income is tangible to them, it has greater value because of the endowment effect. Consequently, if a democratic government proposes a spending project, that project must be of greater benefit to citizens than the income that they must give up. This new endowment will tend to discipline the spending of governments and push them to consider only those projects that citizens really value. See Daniel Kahneman, *Thinking, Fast and Slow* (New York: Farrar, Straus and Giroux, 2011), 293–99.

47. One would naturally argue that the privatization plan might be too complex to administer and that an “honest” government simply should be allowed to attain the same goals through investments of the oil and gas riches. Unfortunately, this scenario has not happened and is not likely to happen. The new approach would at least diminish the power of the governments and would force them to resort to taxation—but with the acquiescence of the citizenry, thus slowly fostering an environment of accountability that could in time lead to building the proper institutions and taking a step toward democracy.

48. “Arab Democracy: The Lesson of Algeria,” *Economist*, 19 April 2014, <http://www.economist.com/news/leaders/21600984-even-if-arab-spring-has-sorely-disappointed-dictators-even-benevolent-ones-are-not>.

Justice for Economic Crimes?

Kenya's Truth Commission

KIMBERLY LANEGRAN, PHD*

Many countries emerging from dark periods of extensive political conflict or oppression have launched truth commissions in an effort to acknowledge past violations of human rights, achieve a measure of justice for victims, and foster communal healing and reconciliation. Most commonly, such commissions are designed to shed light on injustices such as enlistment of child soldiers, forced disappearances, police violence, wide-scale abuse of women, assassinations, murder, and torture. However, in recent years, people have become more aware of the hollowness of transitional justice and reconciliation measures that are blind to social and economic injustices. Rama Mani, for example, suggests that transitional justice structures must consider whether and how to address war economies and corruption, in particular, if the field “is to achieve its intended goals.”¹ Indeed, Dustin Sharp sees a new preoccupation with considering a place for economic violence and economic justice within transitional justice scholarship.² Concomitantly, a small number of truth commissions have examined and sought justice for a limited set of economic crimes and atrocities.

Kenya's Truth, Justice and Reconciliation Commission (TJRC) (2008–13) was established with an innovative mandate that explicitly included a wide range of alleged economic injustices for investigation. Many people believed that the root causes of Kenya's 2008 postelection violence lay in economic crimes, particularly the misappropriation of land, perpetrated against Kenyans since independence. During its investigatory phase, the TJRC vigorously sought to fulfill this part of its charge, soliciting evidence of economic violations and pursuing allegations. For their part, Kenyans, in testimony and submissions, recounted an extensive body of perceived economic injustices, displaying a significant appetite for revealing such violations. However, a few specific findings regarding economic crimes led to grave conflict between the TJRC and the government of President Uhuru Kenyatta and within the commission itself. The commission's final report was released in a cloud of scandal when some of the commissioners refused to sign the volume covering economic crimes, accused the president's office of altering their

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work, and publicly issued a dissent. Some high-ranking government actors apparently found the commission's findings regarding land misappropriation either intolerable or threatening.

Kenya's path-breaking effort to more fully incorporate economic justice into transitional justice can illuminate the possibilities and limitations of this expanded agenda. This article assesses the way in which the TJRC operationalized its mandate and the types of data it employed to investigate economic injustices; summarizes the TJRC's findings regarding economic crimes, giving particular attention to misallocation of land; and considers the political battle sparked by select TJRC conclusions concerning economic crimes. It reaches four conclusions. First, convincing evidence of linkages among economic and political violations can result when a broad range of human rights crimes are investigated. Second, a perennial obstacle in truth-seeking endeavors continues to plague efforts to investigate economic violations: truth commissions, frequently incapable of assessing the veracity of individuals' testimonies, struggle to precisely identify the nature of the truth they have "found." Third, at the same time—and perhaps for some of the same reasons—commissions may rely heavily on existing secondary sources and reports. This practice calls into question their unique contributions to justice. Finally, truth commissions that address economic violations may provoke vehement political backlash from government officials implicated in long-standing and continuing economic violations.

Truth Commissions and Economic Justice

Violations of civil and political rights have commonly been the major concern of truth commissions. South Africa's Truth and Reconciliation Commission, for example, focused on uncovering responsibility for crimes such as state-sanctioned assassinations, bombings, and abuses within the ranks of the African National Congress. Chile's Rettig Commission analyzed political repression and investigated kidnappings, disappearances, killings, and torture. As Ruben Carranza notes, "Civil and political rights violations are seen not only as justiciable but also as susceptible to being redressed through transitional justice. Socioeconomic rights violations, meanwhile, usually are considered non-justiciable and therefore better addressed by a catch-all reference to development programs."³ Sharp regards this bias against addressing socioeconomic violations as a "blind spot" that distorts assessments of violence and injustices, hampering entire justice-seeking endeavors.⁴ For example, the investigation of South Africa's Truth and Reconciliation Commission of a narrow range of crimes produced a "truth" about the apartheid years that captured the experiences of a minority of South Africans—essentially just state agents and political activists. Mahmood Mamdani argues that as a result of ignoring victims of economic crimes, such as the 3.5 million who were forcibly removed from their lands, "the TRC wrote the vast majority of apartheid's victims out of its version of history."⁵

Many scholars trace transitional justice's bias in favor of political over economic crimes to its "parent" movement—the broader human rights field.⁶ The division between civil and political rights on the one hand and economic, social, and cultural rights on the

other came at the beginning of the global postwar human rights movement when the International Covenant on Civil and Political Rights and International Covenant on Economic, Social, and Cultural Rights were written as two separate documents. The division was politicized during the Cold War period with the West regarding violations of political and civil rights as essentially more important.⁷ Being of Western lineage, transitional justice theory, at least initially, imported this implicit privileging of civil and political rights.

Increasingly, however, scholars, activists, and practitioners are calling on transitional justice structures to expand their scope and seek truth and justice for victims of economic violations. Chandra Sriram identifies three types of arguments made for this broader agenda: human rights are indivisible, economic and political crimes commonly coexist, and conflicts will not be prevented if economic injustices are not corrected.⁸ To see no hierarchy of rights and therefore to demand protection for comprehensive human rights is gaining increasing purchase.⁹ Close examinations of transitioning countries do reveal that frequently, as Carranza notes, “both civil and political rights and socioeconomic rights abuses are committed against overlapping sets of victims by an invariably overlapping set of perpetrators.”¹⁰ Lisa J. Laplante concludes that “even with trials and reparations, if economic and social inequality go unaddressed and the grievances of the poor and marginalized go unheard, we are left with only uncertain guarantees of nonrepetition.”¹¹ A number of case studies from Asia and Africa have led many scholars to agree.¹²

In addition, if truth commissions are to gain credibility from their target populations, they need to meet victims’ expectations, and research around the world is revealing that victims are demanding justice and reparation for economic violations.¹³ For example, the majority of Togolese people surveyed by Lonzoou Kpanake and Etienne Mullet agreed that a main goal of truth commissions was “documenting the possible economic and social exploitation of some groups by other groups.”¹⁴ Similarly, in Makeni Sierra Leone, Gearoid Millar found that most residents “felt that the work of a transitional justice project aimed at bringing peace to the country must include the construction of schools, medical facilities, roads, etc., not trials, nor truth telling.”¹⁵ Victims want redress for economic violations.

A small number of truth commissions determined that they could not avoid considering economic violations that permeated the periods of political violence they investigated. Chad’s truth commission (1990–92) charted new territory when it received an explicit mandate to shed light on allegations of former president Hissène Habré’s illegal financial dealings. The truth commissions of Sierra Leone (2002–4) and East Timor (2002–5) determined that widespread economic injustices were among the antecedents and root causes of the violent conflagrations that engulfed those countries in the 1990s. Their final reports documented patterns of extensive economic crimes. Sierra Leone’s commission identified specific companies complicit in crimes in the diamond and timber industries, concluding that “the central cause of the war was endemic greed, corruption and nepotism that deprived the nation of its dignity and reduced most people to a state of poverty.”¹⁶ The mandate of Liberia’s truth commission explicitly included investigating

“economic crimes, such as the exploitation of natural or public resources to perpetuate armed conflicts.”¹⁷ It documented evidence of prolific corruption, illegal land acquisition, and systematic economic deprivation that benefited political elites.

Analyzing five African truth commissions’ forays into economic violations, Sharp offers three possible explanations for why they pushed the envelope of transitional justice’s scope. First, he suggests that Chadian authorities working largely in isolation were “not heavily influenced by the dominant [human rights / transitional justice] script.” Second, by the time these commissions were being designed in the early twenty-first century, “work on economic and social rights had become much more prevalent in the UN and IGO [intergovernmental organization] world more generally, with activists vigorously pressing the need to give both civil and political and economic and social rights equal pride of place.” Finally, economic violence so thoroughly permeated the conflicts in these countries that “to focus exclusively on violations of physical integrity would have seemed wholly inadequate.”¹⁸ Thus, more frequently, truth commissions have expanded to encompass economic and social violations.

Yet, this new agenda has inspired some calls for caution. Even commissions that remain focused on investigating civil and political crimes cannot make comprehensive investigations and conclusions as they struggle to deliver in extremely tight time frames and operate with precious little funding. Overloading truth commissions further enhances the chances that they will be forced to make unrealistic promises and ultimately fail to reach the heightened expectations for justice and healing.¹⁹ Although advocating for this expanded agenda, Sharp sees a need for careful consideration of the interplay between—and unique capacities and limitations of—transitional justice and broader development goals and actors.²⁰ Moving into economic reparations and initiatives to correct economic injustices brings transitional justice efforts into the realm of more long-term “development work.” Can short-term transitional projects make unique, fruitful contributions? Finally, commissions that investigate economic violations may face increased political resistance “as problems such as corruption are often widespread and implicate powerful economic and political actors in transitional contexts.”²¹ Consequently, Roger Duthie supports a relatively limited inclusion of acts of economic violence, “particularly those that constitute international crimes and lead to widespread and serious economic and social rights violations,” into transitional justice projects.²²

Kenya’s Truth, Justice and Reconciliation Commission

Early discussions of a truth commission for Kenya began in 2002 when President Mwai Kibaki and his National Rainbow Coalition government ousted the Kenya African National Union from the dominance it had enjoyed under presidents Jomo Kenyatta and Daniel arap Moi. A task force was launched to consider whether a truth commission was necessary to address allegations of past human rights violations. Ultimately, it found evidence of unsolved violations and economic crimes that needed investigation, concluding that Kenyans believed a truth commission would benefit their country.²³ Regarding vio-

lations of economic, social, and cultural rights, the task force called for a limited agenda. While noting the indivisibility of all human rights and recognizing that in Kenya “economic crimes were committed as part and parcel of human rights violations,” the task force was very concerned that “economic crimes are a difficult matter to investigate and establish culpability.”²⁴ Consequently, it urged that a truth commission investigate just a “selected set of economic crimes that have direct bearing on the enjoyment of economic, social and cultural rights.”²⁵ But political support for a truth commission soon dwindled, and the government shelved the entire initiative.

After the violence that followed Kenya’s disputed elections of December 2007, the need for a truth commission was again considered. A National Dialogue and Reconciliation Process was launched to foster peace, political reform, and reconciliation and justice for Kenya. During those negotiations, the truth commission proposal was brought back to life, apparently by members of the international observers’ negotiating team led by Kofi Annan. Kenyan politicians eventually agreed to establish the TJRC and award it responsibility to foray into socioeconomic as well as political justice.²⁶

Addressing Economic Crimes

Kenya’s truth commission had a number of classic features specified in its act. “To promote peace, justice, national unity, healing, and reconciliation,” it received a mandate to establish an accurate record of past crimes against humanity and gross human rights violations committed by public officers as well as identify the causes of those crimes.²⁷ It could recommend prosecution of some perpetrators and amnesty for others under limited conditions. It could also recommend means of restitution, including reparations, for victims. The commission should hold public hearings and needed to publish a final report. Responsible for investigating crimes committed over a 45-year period, it had the longest temporal jurisdiction of any commission established to date.

Notably, Kenya’s commission mandate included gaining an accurate and complete record of economic crimes while a few economic violations, such as “grand corruption and the exploitation of natural or public resources,” were identified. Furthermore, the commission was to “inquire into the irregular and illegal acquisition of public land and make recommendations on the repossession of such land” as well as “inquire into and establish the reality or otherwise of perceived economic marginalization of communities and make recommendations on how to address the marginalization.”²⁸ However, unlike the effort taken to define the specific crimes that fell within the commission’s charge to investigate crimes against humanity and gross human rights violations, no extensive definitions of violations of socioeconomic rights were offered to the commission by Kenyan authorities.

Consequently, the truth commission sought to identify operational definitions of these socioeconomic violations. Eventually, the commission categorized its mandate into three realms: “gross violations of human rights, historical injustices; and other mandate areas.”²⁹ Convinced that “all human rights are indivisible, interdependent and interre-

lated,” it rejected the “traditional dichotomy between civil and political rights and socio-economic rights.”³⁰ Therefore, one way in which it approached violations of socio-economic rights was to consider “the socio-economic impact of violations that targeted individuals’ bodily integrity or their civil and political rights.”³¹ It also regarded economic marginalization, economic crimes, and grand corruption as separate, independent violations.³² Regarding historical injustices, the commission determined that in public discourse in Kenya “the term refers to at least two things . . . the exclusion and marginalization (in terms of economic development) of certain groups or regions and a range of violations supportive of this phenomenon . . . [and] dispossession and inequalities in the allocation of land in a variety of ways by successive governments (or those associated with them) in pre-independence and post-independence Kenya.”³³ Land conflicts would receive considerable attention.

Yet, more legal grounding and specificity were required. Considering primarily Kenya’s obligations as party to the International Covenant on Economic Social and Cultural Rights and the African Charter on Human and People’s Rights, the commission determined that the Kenyan state was obliged to protect Kenyans’ economic and social rights (as identified in the documents), work to take active measures to foster the realization of those rights, and refrain from actions to deprive individuals of those rights.³⁴ Therefore, it would be a violation to perpetuate economic marginalization, which the commission defined as “a situation that is produced by the process through which groups are discriminated directly or indirectly in the distribution of social goods and services.”³⁵ Access to education, agriculture, and land were identified as indicators of economic marginalization.³⁶ Two types of misallocation of land were defined: (1) “irregular allocation of land” which refers to official actions and procedures in relations to land, leading to land acquisition, ownership, occupation and/or use which do not conform to applicable laws and regulations” and (2) “land grabbing,” meaning any illegal dealings with land that are “also conducted with wanton impunity, recklessness and [are] blatant and widespread.”³⁷ Thereby, some of the more widespread economic crimes were operationalized.

Findings Regarding Land Violations

The TJRC’s final report issues a damning indictment of every Kenyan government since independence, implicating each in extensive and persistent violations of Kenyans’ socio-economic rights. Individual chapters document economic marginalization, land injustices, and economic crimes and grand corruption. The commission concludes that state policies systematically marginalized five regions: the very impoverished North Eastern and Upper Eastern Kenya near the border with Somalia, Coast, Nyanza, Western, and North Rift. Each region is discussed individually with evidence of multiple dimensions of deprivation. The chapter on grand corruption addresses a small number of well-known corruption cases previously investigated in the courts or by other commissions. Still, the TJRC’s conclusions regarding land violations are arguably the most important. The scale of these crimes and the number of victims are immense, and the commission saw causal

links between land violations and ethnic and political tension/violence. Looking forward, the commission's report could direct positive reforms in this area. Yet, sadly, findings concerning the misappropriation of land became the lightning rod for attacks on the truth commission's work.

The commission concluded that land rights violations are ubiquitous in Kenya; victims' stories about particular experiences permeated the evidence provided. Indeed, more than 40 percent of the statements and memoranda submitted to the commission "related to land grievances and disputes."³⁸ The final report offers a compelling picture of the "complex variety of permutations" that land injustices have taken throughout Kenyan history:

Almost every type of public land was affected: from forest land, to water catchments, public school playgrounds, road reserves, research farms, public trust land, and land owned by public corporations and private individuals. Perpetrators of the injustices were equally varied and include holders of public office and government leaders at every level, the political and economic elite, church organisations, individuals and communities. Those who held sway usurped the institutions of government to their bidding including the legislature, the executive and the judiciary.³⁹

The commission concluded that right from independence in 1963, national and provincial Kenyan authorities have been responsible for systematically misallocating access to land. Rather than correcting the injustice of the colonial administration's illegal acquisition of huge amounts of land, the Kenyatta administration and subsequent governments "instead alienated more land from already affected communities for the benefit of politically privileged ethnic communities and the public elite."⁴⁰ These economic violations were found across the length and breadth of Kenya, have continued for decades, and have harmed tens of thousands of Kenyans.

Furthermore, the commission linked land injustice to political violence and determined that it "has been and remains one of the major causes of intra and inter-ethnic conflicts in the country."⁴¹ The report documents evidence of forced relocations, land grabbing, and land settlement schemes benefiting favored ethnic communities throughout Kenya's history, showing how "these . . . administrative, economic, and land policies . . . have bred a sense of division and hatred among Kenyan communities."⁴² Specifically, the commission concludes that land policies during the Kenyatta era helped perpetuate land inequalities in Central, Coast, Rift Valley, and Western provinces and "enrich the economic hegemony of the Kikuyu."⁴³ It notes that the Kalenjin and Maasai communities in particular feel "cheated out of their ancestral land through the resettlement programme instituted by the colonial government and later by the Kenyatta government."⁴⁴ The report also presents evidence of authorities using land to create and exploit ethnic division for political gains. Thus, unjust land policies and acquisitions by politicians are identified as a root cause of other human rights violations and crimes.

Looking forward, the commission also made recommendations for redressing land injustices. At the macrolevel, the commission identified six strategies for the Ministry of

Lands and the National Land commission: “[1] Design and implement measures to revoke illegally obtained titles and [2] restore public easements” and [3] survey and register remaining public lands; [4] “revoke illegally obtained titles to and [5] re-open all public beaches, beach access routes and fish landing beaches;” and [6] develop “a computerized inventory of all lands in Kenya.”⁴⁵ It concludes that provincial administrations across Kenya must be denied a role in redressing land-related inequities because their culpability in past violations has cost them popular legitimacy in this policy realm.⁴⁶ Striving to identify personal criminal responsibility, the commission named 127 individuals or firms whose alleged involvement in illegal land acquisition should be investigated by the National Land Commission. That number represented slightly more than half of all those referred forward to government authorities.⁴⁷

Insights Regarding Transitional Justice and Economic Violations

Kenya’s experiences applying truth-seeking to economic injustices reveal insights concerning truth commissions’ capabilities in this area. First, reflecting a ubiquitous problem for truth commissions, Kenya’s TJRC struggled to clearly identify and consistently apply both the type of “truth” it was presenting in its report as well as the amount and type of evidence required to identify a “truth” about economic violations. Second, the limited research capacity that plagues truth commissions was also evident in the TJRC’s final report. Finally, the TJRC’s experiences substantiate the concerns of those who fear heightened political opposition to truth commissions that seek to identify individuals and structures responsible for systematic economic crimes.

Defining Truth

Problematically, in its final report, Kenya’s truth commission presents no careful discussion of how it regarded truth or whether it saw different types of truths. Scholars and other truth commissions have noted that truth is a complex and contested concept. South Africa’s truth commission, for example, identified four types of truth present in testimony before it: factual or forensic, personal and narrative, social, and healing and restorative.⁴⁸

In their dissent to the TJRC’s final report, three commissioners suggest that the entire report be interpreted as presenting a true record of only what was presented to the commission in testimony. They write that they were willing to add qualifications to highly contentious sections of the report stating that the information presented “was provided by a witness who testified under oath to the Commission, to thus dispel the possibility that someone might think that by repeating what someone else had said the Commission was concluding that the assertions were true. This is of course a truism that applies to the entire Report. One of our tasks was to provide a narrative of historical injustices that included the perspectives of victims, perpetrators, and others.”⁴⁹

Does this mean that evidence in the report from testimony should be regarded as personal or narrative truth and not factual? Inconsistent language in the report makes it

difficult to determine this point. Places throughout the land chapter make clear that the commission is passing along statements without assessing their veracity. For example, “there is testimony from a group from the coast who said that their access to land diminished greatly with independence.”⁵⁰ In other places, qualifying terms like *apparently* and *evidently* are used in presenting testimony.

In most of the land chapter, however, declarative, conclusive language prevails. Take, for example, such sweeping assessments as, “Since Kenya’s independence, settlement schemes at the Coast have been fraught with irregularities and outright discrimination of landless coastal communities.”⁵¹ There are also assertions of specific cases of individual culpability: “The situation was worse on Monda Island where the then PC Mahihu took the opportunity between 1974 and 1976 . . . to forcefully acquire land on Manda Island from local people.”⁵² Was the commission convinced that these statements are true? If so, how did it arrive at definitive conclusions about the presence of violations? The TJRC’s objective was to establish “an accurate, complete and historical record of violations of human rights and economic rights” and “as complete a picture as possible of the causes, nature and extent” of those violations during its mandate period.⁵³ Therefore, uncertainty about which statements and interpretations the commission is verifying and which it is uncritically passing along gravely compromises the power of its assessments.

Research Capacity

The TJRC’s final report is quite dependent upon secondary sources such as published scholarship and previously released reports from other Kenyan commissions. A number of sections of the land chapter, for example, rely heavily on evidence from the 2002 Ndung’u Commission of Inquiry into the Illegal/Irregular Allocation of Public Land and the 1978 Report of the Select Committee on the Issue of land Ownership along the Ten-Mile Coast Strip of Kenya. That evidence is passed on uncritically by the truth commission. Although the commission was mandated to “consider the reports of the relevant commissions of inquiry,” its value comes under question when the TJRC fails to offer important corroborations to, or assessments of, previous reports.⁵⁴ Furthermore, the commission failed to fulfill its charge to “make recommendations on the implementation of such reports.”⁵⁵ Kenya’s truth commission, plagued by resource shortages, uncertain leadership, and at times a hostile political climate, could not convincingly demonstrate that such bodies have the capacity to independently gather and synthesize evidence of economic injustices. This failure raises doubts over whether truth commissions can be realistically expected to deliver on mandates that encompass social and economic violations.

Political Opposition

Although it had long been clear that the commission had very few friends in the Kenyan government, the blatant interference by the office of President Uhuru Kenyatta in the report’s land chapter was shocking. The integrity of the entire truth-seeking process was corrupted when the commission was forced to accept alterations to its final report under

pressure from the Office of the President. The battle that ensued within the commission demonstrated that procedures would be sacrificed to please politicians and led three commissioners to publicly denounce the process and refuse to endorse the land chapter. Findings of many extensive human rights violations were allowed to remain in the truth commission's report, but unknown people in the Office of the President apparently demanded changes to five paragraphs in the land chapter.

It appears that some of the changes were motivated by efforts to protect the image of President Jomo Kenyatta. Three of the five altered sections discuss specific land violations associated with the former president. For example, paragraph 257 was originally written as follows:

However, after Kenya attained independence in 1963, President Kenyatta unlawfully alienated to himself 250 acres of the land, especially portions on the beach. He also allocated part of the land to his friends, relatives and other associates. He directed residents that whatever was left of the trust land would be established as settlement schemes for their benefit. However, without following due procedures of law, he again took part of whatever remained for himself and his relatives. He also demanded that local communities that should have benefited from the trust lands accept payment of KSh600 per acre. When the locals declined to accept the money, he told them that whether or not they accepted it, the remainder of the trust lands would go to the government. That is how irregularly President Kenyatta took all of Tiwi and Diani trust lands at the expense of local people who immediately became "squatters" on the land and were subsequently evicted, rendering them landless and poor. By 2012, land in the former trust lands fetched Ksh15 million per acre.⁵⁶

In the final report, the paragraph reads, "However, in 1972 members of the local communities were evicted when a private individual unlawfully alienated 250 acres of the land to himself."⁵⁷ In another paragraph, reference to a wedding gift of government land from President Kenyatta to a family member is excised. That was not even a new allegation; the commission's source was a 2012 book on Kenyan history. But the paragraph was allowed to read only as follows: "There were peculiar cases of land grabbing and related malpractices during Kenyatta's administration which serve to illustrate how deeply the problem of land grabbing had cut into Kenya and the wanton manner in which key government officials, including the president, grabbed what should be have been public or communal land and 'dished' it to relatives."⁵⁸ Only the beneficiary's name was removed.

The other two deletions may have been efforts to remove potentially incendiary conclusions, but again many similar findings remain throughout the report. One alteration removed reference to the Kikuyu ethnic group as beneficiaries of settlement schemes in the Coast at the expense of local communities.⁵⁹ However, Kikuyus are identified throughout the land chapter as benefiting from land reallocation actions. Removed from another paragraph was an observation that a coastal secessionist movement might be inspired by land grievances caused by government violations.

The story of this interference by the Office of the President was made public by the three international commissioners—Judge Gertrude Chawatama, Amb. Berhanu Dinka,

and Prof. Ronald C. Slye—who sought to explain their refusal to sign the final report's volume containing the land chapter. They believe that a copy of that chapter, which the commission had agreed upon in early May 2013, was leaked “to individuals with ties to the State House.”⁶⁰ Subsequently, the Office of the President demanded and received an advance copy of the full final report prior to printing, interpreted as a condition for gaining a meeting with President Uhuru Kenyatta so as to present the report. Soon thereafter, some commissioners began to argue for substantive changes to the land chapter. According to the dissenting three, “It was at this time that a number of Commissioners, including at least one of the international Commissioners, received phone calls from a senior official in the Office of the President suggesting various changes to the Land chapter. These suggestions included the removal of specific paragraphs.”⁶¹ Over the next two weeks, the commission debated about whether and how to change the final report. It appears that on 17 May, the international commissioners, who opposed the alterations, were told that changes were indeed going to be made to the final report. It is unclear whether a majority of commissioners endorsed the changes.

The international commissioners immediately notified their colleagues that they would write a dissent and expected it to be included in the printed final report as stipulated by the TJRC's written procedures. Four days later, the printed altered report was handed over to the president without the dissent. The international commissioners had been notified that a majority of the commissioners had voted to exclude their dissent from the final report—an apparent violation of the procedures. Commissioners Chawatama, Dinka, and Slye were moved to reveal the interference by the Office of the President and release their original dissent in a press statement in early June 2013. Although they feared that this scandal would detract from attention to the good work of the TJRC, of which they were very proud, they felt that this “sad chapter in what had always been a challenging process” needed to be told.⁶² The dissent laid out their interpretation of the events regarding contact with the State House, debates, and decision making within the commission subsequent to their original approval of the land chapter and contained the entire original versions of the altered paragraphs. They clarified that they had no evidence that President Uhuru Kenyatta himself endorsed or even was aware of the interference by people in his office. Furthermore, they reiterated their firm support for all of the remaining content in the TJRC's final report.

Conclusion

To date, no other structure of transitional justice has examined economic crimes as purposefully, broadly, or extensively as Kenya's TJRC. Its experiences, limitations, and achievements demonstrate the myriad linkages often present among violations of political and socioeconomic rights in countries suffering under unaccountable government and systematic and/or periodic violence. Thousands of Kenyans testified to these economic violations and revealed their longing for justice, demonstrating that truth-seeking that is blind to abuses of socioeconomic human rights will fail to acknowledge the full nature

and scope of violations perpetrated, neglect the needs of many victims, and perhaps fall short of optimizing its ability to foster lasting peace. Kenya's case makes the argument for including economic violations in truth commissions' mandates.

Concomitantly, the TJRC's capacity shortcomings, particularly its inadequate operationalization of "truth" and limited ability to gather and evaluate evidence (both new and old), as well as the political subterfuge inspired by its investigations into land misappropriation, demonstrate the need for greater consideration of the heightened and perhaps unique burdens this expanded mandate brings. Do truth commissions need different operational skills if they are to effectively investigate wide-scale economic crimes and create a definitive assessment? If so, what are they? The Kenyan truth commission's chapter on land was so dependent on previous scholarship and commissions that it offers few insights here. Tension within the commission and between the commission and government highlights problems that murky assessments of the veracity of testimony can bring. Finally, the shroud of scandal that surrounded the final report's contentious release demonstrates that when truth commissions investigate economic crimes, they may challenge the economic advantages of individuals who remain in political power.

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Missile Defenses and Strategic Nuclear Arms Control

Technology and Policy Challenges

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Missile defenses continue to pose technical and policy challenges to issues of US-Russia and North Atlantic Treaty Organization (NATO)-Russian security policy. For opponents of ballistic missile defense (BMD), such systems destabilize the soundness of Russo-American deterrence. To address this concern, as well as others, at the 2010 Lisbon summit, NATO and Russian leaders agreed to seek common ground on European missile defenses. However, the return of Vladimir Putin to the Russian presidency in 2012 marked a new assertiveness in Russian foreign and defense policy, including arms control. Russia's occupation and later annexation of Crimea in March 2014 caused the United States and NATO to suspend, at least temporarily, military-to-military cooperation with Russia, including discussions about European missile defenses.¹ Prospects for agreement on missile defenses, or on further reductions in US and Russian operationally deployed strategic nuclear weapons in a post-New Strategic Arms Reduction Treaty (START), appeared dismal following the Ukrainian crisis.

In the discussion that follows, we first consider some of the political and military background pertinent to the relationship between Russian and American strategic nuclear arms limitations and missile defense. Second, we perform analyses for several cases

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of candidate “New START-minus” agreements allegedly under study by the Obama administration, including the possible implications of missile defenses for deterrence stability under post–New START reductions. Third, we draw conclusions about how ambitious the United States and Russia can be in reducing strategic nuclear forces, not only in terms of their own security and defense requirements but also with respect to the need for involvement of other nuclear weapons states.

Nuclear Arms Reduction and Missile Defenses

President Obama has reportedly tasked the Pentagon to develop planning scenarios for further reductions in American strategic nuclear forces. These scenarios include three options for further cuts in the numbers of operationally deployed strategic nuclear weapons, below New START levels: 1,100; 800; or 400 weapons.² The range of options provides for small, medium, and large departures from New START limits. The most ambitious among these options will also require cooperation between Russia and the United States as well as among other nuclear weapons states. Whereas, for example, one might imagine the United States and Russia reaching agreement on a limit of 1,100 or 1,000 deployed strategic nuclear weapons without third- or “nth”-party participation, the political baggage for more drastic limitations would be a hard sell within the American and Russian national security establishments—unless, or until, other nuclear weapons states were brought into the agreement. The departure from a two-sided to a multisided negotiating forum for nuclear arms reductions presents both political and military challenges to governments, especially for their defense planners and arms control negotiators.

Evaluation of the political or military value of missile defenses in current and prospective policy terms requires that we acknowledge new possibilities and new dangers.³ Compared to their weaponry of the Cold War era, the United States and Russia now have smaller numbers of operationally deployed strategic nuclear devices. In addition, antimissile defense technologies are of interest not only to the United States and, potentially, Russia but also to other states that feel threatened by the spread of ballistic missiles outside Europe. For example, although its government would prefer not to join the ranks of nuclear weapons states or enter into a regional nuclear arms race, Japan is nevertheless very interested in antimissile defenses. It is already cooperating with the United States in developing and deploying theater missile defenses for its state territory and contiguous waters. This stance is not unreasonable from Japan’s perspective, considering its proximity to North Korea, China, and other Asian nuclear powers. On the one hand, for countries like Japan or South Korea, missile defenses might provide an alternative “deterrent by denial” instead of a nuclear deterrent by threat of unacceptable second-strike retaliation. Antimissile defenses could also serve as an insurance policy against accidental launches or unauthorized rogue attacks. On the other hand, missile defenses have also complicated the Russo-American relationship with respect to the eventual prospects for nuclear arms control and disarmament. At first, President George W. Bush’s announcement in 2001 to withdraw from the Anti-Ballistic Missile Treaty did not draw returning fire from the

government of President Putin. To the contrary, in 2002 the United States and Russia concluded the Strategic Offensive Reductions Treaty (SORT), which called for the two states to reduce their numbers of operationally deployed intercontinental weapons to within a range of 1,700 to 2,200 each by 2012. Of course, SORT was later superseded by New START, but SORT was an intriguing way station. Unlikely bedfellows from the standpoint of political ideology, Bush and Putin nevertheless accomplished significant nuclear reductions with SORT, compared to previous levels. They did so despite Russia's clear policy statements then and subsequently that its strategic nuclear deterrent was the military backbone of its international security and great-power status.⁴

During the second terms of presidents Bush and Putin, however, the political winds shifted, and Russia used the diplomatic demarche over the Bush plan to deploy elements of a US global missile defense system in Poland and the Czech Republic. Russia's objections to Bush's European missile defense plan were as much political as they were military. Russia disliked the presence of US missile defenses so close to its borders and in a former Soviet satellite that Russia regarded as part of its sphere of special interest. The years 2007 and 2008 were also times of jockeying for power and position within the Kremlin as the arrangements for succession to President Putin were being worked out. Putin's administration took a hard line against American missile defenses in Europe until the departure of the Bush administration and the arrival of the Obama administration, along with its "reset" policy. As Pavel Podvig has noted, "As it turns out, missile defense is a very personal subject for the Russian president, who spoke passionately about it during his recent campaign. This passion, however, serves a pragmatic political purpose: It paints a picture of Russia as under siege, which helps deflect challenges to the legitimacy of the Russian political system."⁵

The Obama reset led to the conclusion of the New START agreement on offensive force reductions and to a temporary thaw in US-Russia and Russia-NATO relations on the issue of missile defenses.⁶ But the thaw was temporary, and animosity over this issue returned in 2011–12 as the Obama missile defense plan for Europe became clearer in its implications and as American and Russian presidential elections loomed larger.⁷

US secretary of defense Chuck Hagel announced in 2013 that the Pentagon planned to cancel plans for the fourth phase of the European Phased Adaptive Approach, regarded as the one most objectionable to Russia as a potential neutralizer of its nuclear deterrent. Neither President Putin nor his military leadership was mollified by this decision. Russia continued to demand either a change in the American plan or a Russian level of involvement and participation in designing the European BMD system that satisfied its nervous military leaders and politicians as to NATO intentions and capabilities. Russian leaders have indicated that if they are dissatisfied with respect to European missile defenses, Russia will decline further cooperation in offensive nuclear arms reductions and possibly deploy missiles capable of launching nonstrategic nuclear weapons closer to Russia's borders with NATO.⁸ A presentation by the Russian General Staff to a conference in Moscow in the spring of 2012 summarized the differences between Russian and NATO proposals. As Stephen J. Blank has pointed out, influential Russian policy makers

and military analysts have regarded past US-Russia dialogue on strategic nuclear arms control as a net “positive” for several reasons. First, it helps commit the United States to an arms control paradigm of mutually assured destruction or assured retaliation based on offensive forces. Second, it projects the global impression of US-Russia nuclear parity regardless of the ups and downs of Russia’s military modernization. Third, the impression of nuclear-strategic parity with the United States has spillover diplomatic benefits that support Russia’s self-portrait for international audiences.⁹ That portrait emphasizes Russia’s status as a major power in the emerging multipolar international system that will eventually displace a unipolar American dominance of the post-Cold War years. Although it might seem contradictory, according to some interpretations of international relations theory, in this case the second point supports the third. The appearance of nuclear-strategic parity supports Russia’s perceived quest for a multipolar international system in which the United States is less influential and Russia more so.

A related technical issue in a two-sided NATO-Russia deployment of advanced antimissile and air defenses is the problem of defense suppression. To contribute to deterrence by denial, defenses would have to be survivable against preemptive attack by defense suppression forces.¹⁰ Like defenses, those forces could be based (at least theoretically) in a variety of ways, including on land, at sea, in the air, or in space—depending on the state of weapons technology and launchers. In a two-sided deterrence competition with respect to strategic nuclear forces, each side will estimate the survivability of its offensive forces, strategic antimissile and air defenses, and defense suppression forces.¹¹ With present technology, defense suppression missions might be carried out by antisatellite weapons based terrestrially or airborne; by kinetic or cyber attacks on the command, control, communications, and intelligence systems supporting defenses; or by submarine-launched ballistic missiles or stealthy cruise missiles ahead of later and larger attacks on forces.

If either side’s defenses were perceived as vulnerable to prompt defense suppression, a situation of mutually reinforcing fears of antidefensive first strikes might lead to mistaken or deliberate strikes against the other side’s defenses—or against its defense suppression weapons, arguing that those weapons constitute a standing threat to defenses designed to protect one’s own values, not to harm others. As Secretary of Defense Ashton B. Carter observes,

A BMD deployment is itself a prime target, and the system is clearly useless if it can easily be destroyed. The BMD need not be absolutely survivable, but the offense must pay a high enough price to destroy the defense that such a tactic is unattractive. The defense can of course defend itself, but attack on the defense remains for most deployment schemes the most effective tactic for the offense and hence the weakest link in the defense.¹²

Thus, a relationship of deterrence or dissuasion between two powers with strategic nuclear forces, defenses, and defense suppression forces might yield multiple operational and strategic approaches.

Regardless of the military and technical obstacles to NATO-Russia cooperation on missile defenses and nuclear arms reductions, political factors may be even more important. The policy statements of Russian leaders continue to speak of NATO as a danger to national security.¹³ Russia is especially sensitive to NATO's reach into former Soviet—and now extended Russian—security space, where Russia claims a privileged interest.¹⁴ These sensitivities to NATO visibility in post-Soviet space that borders or is near to Russia extend to any plans for NATO land-based interceptors, radars, or other components of a European missile defense plan. As Jacob W. Kipp comments, the distinction between Russian “reform of the armed forces” and “military reform” is closely related to the issue of future war as Russian military forecasters see it:

On the one hand, reform of the Armed Forces refers to the transformation of the military forces belonging to the Russian Ministry of Defense and involves both downsizing the force and transforming it into a force that will meet the needs and requirements of Russia in the post-Cold War era. Military reform, on the other hand, is a more all-embracing process which encompasses all the military and paramilitary formations of the Russian state and addresses the core political, economic, and social questions attached to raising, sustaining, training, arming, deploying, and employing the military as an element of Russian national power.¹⁵

Therefore, in the minds of some risk-averse Russian military planners, missile defense nullification technologies might constitute a necessary part of their deterrent, despite US claims that present BMD technologies are directed only toward regional threats such as those posed by Iran and North Korea. Russia has also responded with offsetting or balancing moves, including plans for offensive weapons with BMD countermeasures, and improvements in Russian antimissile and air defense systems already deployed.¹⁶

NATO-Russian cooperation on missile defense is a necessary condition for the two entities' improved collaboration on nuclear nonproliferation. Although Russian and American perspectives on preventing the spread of nuclear weapons are not identical, they are potentially convergent on some important issues. Russia does not want to encourage such a spread in general but takes a selective approach to dealing with miscreant potential or actual proliferators. The United States, though, is more likely to oppose categorically the entry of any new states into the club of nuclear weapons states and insists on reversing North Korea's membership.

These differences in perspective are not necessarily insurmountable obstacles to Russo-American cooperation on nuclear nonproliferation. US-Russia disagreements are likely to be more about tactics than about the seriousness of the threat posed by a nuclear Iran or by other Middle Eastern states reacting to an apparent Iranian nuclear weapons capability. Here the missile defense issue intersects with the nonproliferation concerns of both the United States and Russia. The United States sees the European missile defense system as contributing to nonproliferation by discouraging the spread of nuclear weapons without requiring aggressive counterproliferation measures—such as the bombing of nuclear weapons complexes and nuclear infrastructure or the imposition of regime change by military intervention. Russia fears that a NATO missile defense system “good enough”

to deter or deflect an attack from Iran or other regional nuclear powers could grow into a larger system capable of nullifying its deterrent.

This three-way entanglement among offensive nuclear arms reductions, antimissile defenses, and nonproliferation posed challenges to US-Russian and Russian-NATO security cooperation during President Obama's second term. How steep is this mountain? The next section discusses the parameters of alternative post-New START regimes and their implications.

Analysis and Methodology

Measuring the Problem

Nuclear arms control is an aspect of military strategy and national security policy, not a thing in itself. US and Russian decisions about nuclear arms reductions also have implications for other states in the international system—especially for current or aspiring nuclear weapons states. On the one hand, the gap between American and Russian capabilities and those of everyone else helps to impose some predictability and discipline on international practices related to arms control and nonproliferation. On the other hand, the continuing reliance by the United States and Russia on nuclear weapons and nuclear deterrence encourages other nuclear weapons states to move cautiously on disarmament. It also advertises the putative value of nuclear weapons for deterrence, defense, and diplomacy.

Could Russia and the United States, given favorable political conditions, reduce their numbers of operationally deployed strategic nuclear weapons below New START levels and still fulfill their national security objectives? The obvious answer to this question is maybe. However, the question “how far?” is complicated. The step from the New START upper limit of 1,550 deployed warheads to some 1,000 is an incremental one that would presumably involve no major changes in roles, missions, or force structure. Below that level, to a limit of 800 or 400 deployed weapons, difficult trade-offs may ensue for military planners and for proponents of further accomplishments in nuclear arms control and disarmament.

We examine in more detail the implications of US-Russian strategic nuclear force reductions to various levels in the analysis that follows.¹⁷ Notional force structures for the period 2018–20 are posited for the two states, and those force structures are subjected to nuclear force exchange modeling.¹⁸ Each state is assigned a balanced triad of strategic nuclear forces deployed on intercontinental ballistic missiles, submarine-launched ballistic missiles, and heavy bombers. The performances of each Russian and American force for each level of deployment are analyzed under each of four operational conditions: (1) forces are on generated alert and launched on warning of attack (Gen/LOW), (2) forces are on generated alert and riding out the attack before retaliating (Gen/RO), (3) forces

are on day-to-day alert and launched on warning (Day/LOW), and (4) forces are on day-to-day alert and riding out the attack (Day/RO).

For each simulation at benchmark maximum deployment levels of 1,550; 1,000; or 500 strategic nuclear weapons for each state, an alternative scenario is postulated with missile defenses added into the equation for both states. This step poses considerable challenges to the investigator since no one really knows how well strategic antimissile weapons will perform against prospective attackers. For heuristic purposes, we assigned each state a combination of antimissile and anti-air defenses capable of a range of attrition against attacking offenses: Phase I defenses successfully intercept or otherwise deflect at least 20 percent of opposed second-strike retaliating warheads; Phase II defenses, at least 40 percent; Phase III, at least 60 percent; and Phase IV, at least 80 percent

Data Analysis and Findings

Figures 1–6 summarize the forces in the analysis and the outcomes for each of the nuclear force exchanges. Figures 1 through 3 show the numbers of retaliating warheads for maximum deployments of 1,550; 1,000; and 500 warheads, respectively, without defenses. Figures 4 through 6 add antimissile and anti-air defenses (combined) into the equation using the model previously described.

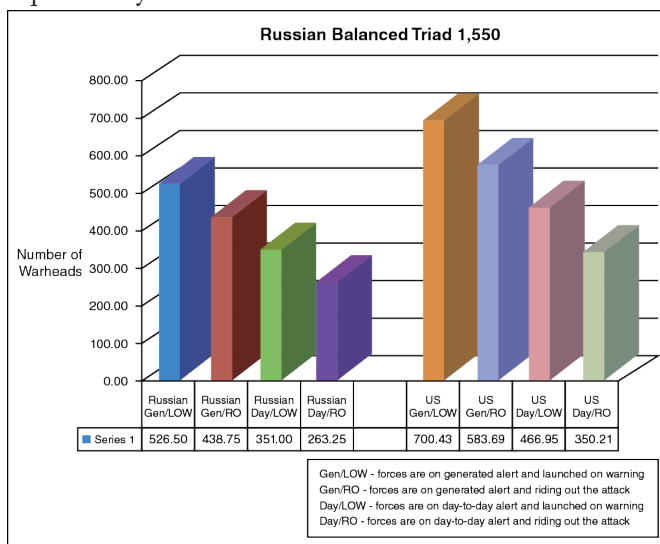


Figure 1. US-Russia surviving and retaliating warheads: 1,550 deployment limit

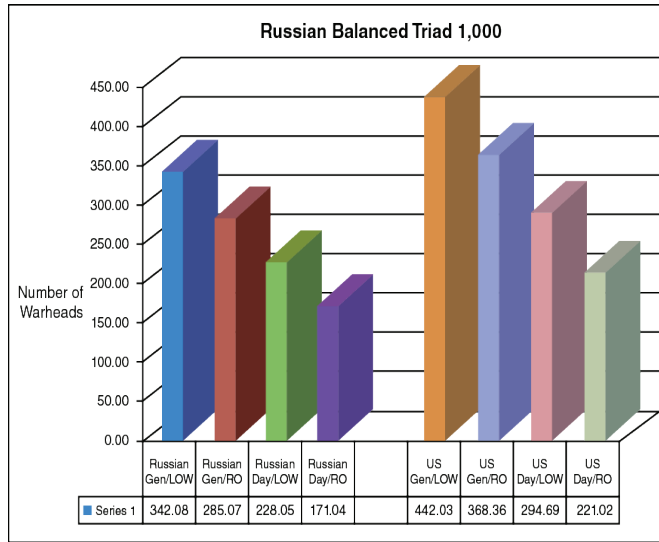


Figure 2. US-Russia surviving and retaliating warheads: 1,000 deployment limit

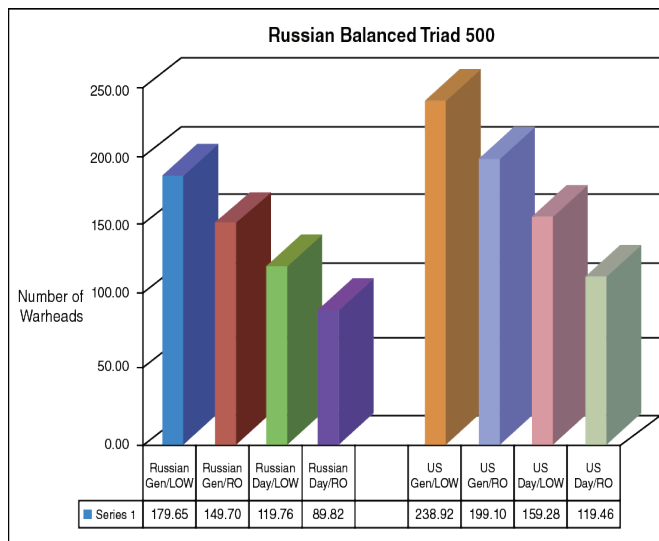


Figure 3. US-Russia surviving and retaliating warheads: 500 deployment limit

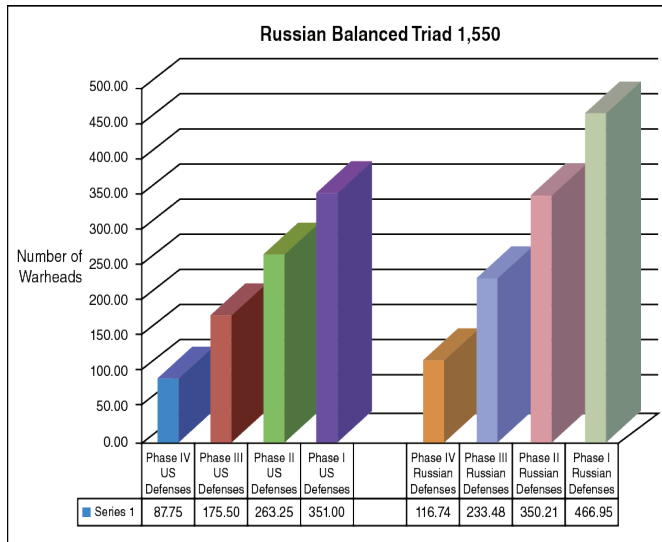


Figure 4. US-Russia surviving and retaliating warheads versus defenses: 1,550 deployment limit

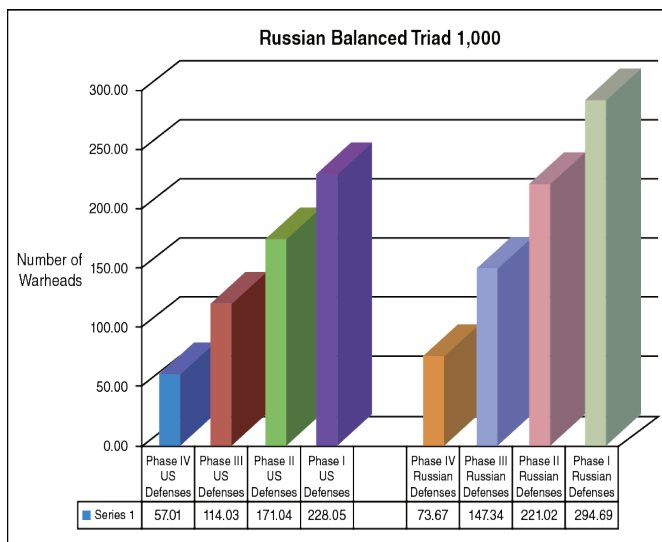


Figure 5. US-Russia surviving and retaliating warheads versus defenses: 1,000 deployment limit

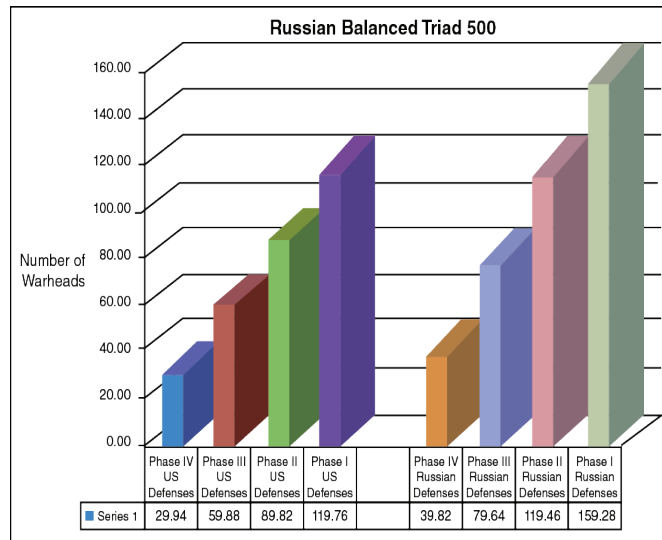


Figure 6. US-Russia surviving and retaliating warheads versus defenses: 500 deployment limit

If these are the relevant numbers, what inferences do they suggest? First, both Russia and the United States can fulfill their deterrent and defense missions at deployment levels below New START-agreed figures. Even the 500-weapon limit for the two states includes a considerable amount of retaliatory destruction, especially if weapons are concentrated against cities or other “soft” targets. Second, force structures do matter. The mix of land- and sea-based missiles and bombers deployed by either state can contribute to crisis and deterrence stability or detract from it. In particular, when survivability depends upon launch on warning, the potential for nuclear crisis instability increases. For Russia, this fact makes it imperative that its sea-based nuclear deterrent be rebooted with the construction of a new class of ballistic missile submarines and with a reliable new submarine-launched ballistic missile—as called for in past and present plans.

Third, as forces descend the ladder from 1,550 to 500 operationally deployed weapons, the options for nuclear target planners will be progressively more restricted. A deployed force at or below 500 weapons invites an almost exclusive focus on countercity or countervalue targeting. Target plans emphasizing the killing of people instead of the destruction of opposing forces might be repugnant on ethical grounds. A possible alternative to countercity targeting is to emphasize the targeting of defense-related and other critical infrastructure. An infrastructure-emphatic targeting plan would still kill many civilians but perhaps not so deliberately as would attacks targeted against populations.

Fourth, the United States or Russia will require some persuading to agree to reductions below the 1,000 operationally deployed strategic nuclear weapons limit unless the additional reductions are discussed on a multilateral basis that includes the other nuclear weapons states. The United States and Russia will have mixed motives in this regard: on the one hand, improving the security of their relationship and disposing of unnecessary nuclear weapons; on the other hand, maintaining their role as the dominant nuclear

weapons states unless, or until, other countries have committed to serious and verifiable reductions of their own. Bringing the major nuclear weapons states of Asia into this multilateral agreement will be crucial.

Fifth, missile defenses figure ambiguously into this mix of possibilities for Russian-American offensive nuclear force reductions. US missile defenses provide talking points for Russian politicians and defense hawks, but Russians should not deceive themselves by overselling the performances of emerging US defense technologies. For this decade, at least, the European Phased Adaptive Approach or the national missile defenses deployed in the continental United States can mitigate the consequences of small nuclear attacks. But exclusive theater or strategic antimissile defenses against larger attacks will require breakthroughs in technology development and in the affordable deployment of new weapons and new launch platforms. Doubtless there are some innovative ideas about missile defenses now incubating in research laboratories and think tanks.¹⁹ Nevertheless, the offense-defense arithmetic in nuclear scenarios does not favor the defender because even a few nuclear weapons can do so much infernal damage.

Conclusions

Missile defenses pose technical and policy challenges for nuclear deterrence and arms control, but they are not insurmountable. The technical aspect of missile defenses is whether they can continue to improve their performance envelopes and marginal-cost effectiveness, relative to offensive ballistic missiles and bomber-delivered weapons. US military planners already recognize that current and future long-range-strike platforms will be opposed by increasingly competent air and missile defenses. For example, prospective US opponents in Asia will seek to develop and deploy improved air and missile defenses as part of their antiaccess/area-denial (A2/AD) as countermeasures to the United States' Air-Sea Battle concept and policy-strategic "pivot" toward Asia.²⁰ According to the US Air Force's 2012 posture statement, "As A2/AD capabilities proliferate, our [U.S. Air Force] fourth-generation fighter and legacy bomber capability to penetrate contested airspace is increasingly challenged," and the procurement of a new penetrating bomber "is critical to maintaining our [U.S. Air Force] long-range strike capability in the face of evolving A2/AD environments."²¹ The US and its allies are also working to strengthen their own regional missile defenses in Asia and elsewhere against growing ballistic and cruise missile threats to the use of the air and space, maritime, and cyber commons. The A2/AD picture in Asia is but one illustration of the point that future missile defenses will be challenged, not only to improve their "hardware" relative to offenses but also to enhance their "software" for scenario expectations and flexible adaptation to unexpected contingencies.²² As a US Army study on integrated air and missile defenses has noted,

Adversary long-range precision attack doctrines, as demonstrated in numerous experiments and service-level wargames, have evolved from a low number of missile launches from static positions to large, complex salvos from mobile forces. Their complex preci-

sion strikes are typically supported by advanced electronic attack; offensive cyber capabilities; terrestrial and space-based intelligence, surveillance and reconnaissance (ISR); and attacks on US space-based capabilities.²³

With regard to strategic nuclear arms control, Russia and the United States could reduce their numbers of operationally deployed strategic nuclear weapons to 1,000 or even 500 and perhaps maintain stable deterrence based on second-strike retaliation. How far they can descend on this scale depends partly on the levels of political trust and military cooperation between Washington and Moscow. Mutual disarmament also depends upon the cooperation of other nuclear weapons states that may have to agree to freeze or reduce their own arsenals.²⁴ Missile defense technologies are considerably improved compared to their Cold War predecessors. However, missile defenses as proposed in the US Phased Adaptive Approach for Europe are not “game changers” for US-Russia strategic nuclear stability. Russian defense modernization will have more to do with the viability of its nuclear deterrent than will US and NATO missile defenses. Further, the missile defense issue should not be hijacked by ideologues or partisans in Washington or Moscow. Both political and technical cooperation between NATO and Russia is possible and, in fact, desirable—although probably delayed until Putin has departed from office.

Notes

1. “Opinion: US Pullout on Missile Defense Talks Won’t Impact Russia,” *RIA Novosti*, 3 April 2014, in *Johnson’s Russia List 2014*, no. 74 (3 April 2014).

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3. Pertinent expert commentary on missile defenses as related to Russia and US arms control objectives appears in Jacob W. Kipp, “Russia’s Future Arms Control Agenda and Posture,” and Steven Pifer, “The Russian Arms Control Agenda after New START,” in *Russia and the Current State of Arms Control*, ed. Stephen J. Blank (Carlisle, PA: Strategic Studies Institute, US Army War College, September 2012), 1–62, 63–92, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub1119.pdf>.

4. Nikolai Sokov, “The New, 2010 Russian Military Doctrine: The Nuclear Angle,” James Martin Center for Nonproliferation Studies, Monterey Institute of International Studies, 5 February 2010, http://cns.miis.edu/stories/100205_russian_nuclear_doctrine.htm. See also Vladimir Putin, “Being Strong: National Security Guarantees for Russia,” *Rossiiskaya Gazeta*, 20 February 2012, <http://premier.gov.ru>, reprinted in *Johnson’s Russia List 2012*, no. 31 (21 February 2012); and “Russia Retains Right to Play Nuclear Card—Gen-Staff Chief,” <http://www.russiatoday.com>, in *Johnson’s Russia List 2012*, no. 29 (16 February 2012).

5. Pavel Podvig, “Point of Distraction,” *Russian Strategic Nuclear Forces* (blog), 1 June 2012, http://russianforces.org/blog/2012/06/point_of_distraction.shtml.

6. Treaty between the United States of America and the Russian Federation on Measures for the Further Reduction and Limitation of Strategic Offensive Arms (Washington, DC: US Department of State, 8 April 2010), <http://www.state.gov/documents/organization/140035.pdf>.

7. The Obama administration's European Phased Adaptive Approach to missile defense will retain and improve some technologies deployed by the George W. Bush administration but will shift emphasis to other interceptors, supported by improved battle management-command-control-communications (BMC3) systems and launch detection and tracking. See Karen Kaya, "NATO Missile Defense and the View from the Front Line," *Joint Force Quarterly*, issue 71 (4th Quarter 2013): 84–89. See also Association of the US Army (AUSA), *US Army Integrated Air and Missile Defense Capabilities: Enabling Joint Force 2020 and Beyond* (Washington, DC: Institute of Land Warfare, AUSA, May 2014); Steven J. Whitmore and John R. Deni, *NATO Missile Defense and the European Phased Adaptive Approach: The Implications of Burden Sharing and the Underappreciated Role of the US Army* (Carlisle, PA: Strategic Studies Institute, US Army War College, October 2013); LTG Patrick J. O'Reilly, USA, *Ballistic Missile Defense Overview, Presented to 10th Annual Missile Defense Conference* (Washington, DC: US Department of Defense, 26 March 2012), <https://mostlymissiledefense.files.wordpress.com/2013/06/bmd-update-oreilly-march-2012.pdf>; North Atlantic Treaty Organization, "NATO Ballistic Missile Defence (BMD)," fact sheet, North Atlantic Treaty Organization, 22 May 2012, http://www.nato.int/nato_static/assets/pdf/pdf_topics/20120520_media-backgroundunder_NATO_ballistic_missile_defence_en.pdf; and White House, Office of the Press Secretary, "Fact Sheet: U.S. Missile Defense Policy; a Phased, Adaptive Approach for Missile Defense in Europe" (Washington, DC: White House, Office of the Press Secretary, 17 September 2009), http://www.whitehouse.gov/the_press_office/FACT-SHEET-US-Missile-Defense-Policy.html. For critical assessment of US missile defense plans by expert scientists and other commentators, see Committee on an Assessment of Concepts and Systems for US Boost-Phase Missile Defense in Comparison to Other Alternatives, *Making Sense of Ballistic Missile Defense: An Assessment of Concepts and Systems for U.S. Boost-Phase Missile Defense in Comparison to Other Alternatives* (Washington, DC: National Research Council, National Academy of Sciences, National Academies Press, 2012), prepublication copy, <http://www.nap.edu/search/?term=Making+Sense+of+Ballistic+Missile+Defense%3A+An+Assessment+of+Concepts>; William J. Broad, "U.S. Missile Defense Strategy Is Flawed, Expert Panel Finds," *New York Times*, 11 September 2012, <http://www.nytimes.com/2012/09/12/science/us-missile-defense-protections-are-called-vulnerable.html>; Tom Z. Collina, "Failure to Launch: Why Did America Just Spend \$30 Billion on a Missile Defense System That Doesn't Work?," *Foreign Policy*, 13 September 2012, <http://foreignpolicy.com/2012/09/13/failure-to-launch/>; Philip Coyle, "The Failures of Missile Defense," *National Interest*, 26 July 2012, <http://nationalinterest.org/print/commentary/the-failures-missile-defense-7248>; and George N. Lewis and Theodore A. Postol, "A Flawed and Dangerous U.S. Missile Defense Plan," *Arms Control Today*, 5 May 2010, http://www.armscontrol.org/act/2010_05/Lewis-Postol.

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9. See Blank, *Arms Control and Proliferation Challenges*.

10. Paul K. Davis suggests that dissuasion by denial (DND) is the preferable term in "Toward Theory for Dissuasion (or Deterrence) by Denial: Using Simple Cognitive Models of the Adversary to Inform Strategy," RAND Working Paper WR-1027 (Santa Monica, CA: RAND National Security Research Division, January 2014), http://www.rand.org/pubs/working_papers/WR1027.html.

11. The topic of defense suppression receives more detailed treatment in Dean Wilkening et al., *Strategic Defenses and Crisis Stability* (Santa Monica, CA: RAND Corporation, April 1989), 35–40.

12. Ashton B. Carter and David N. Schwartz, eds., *Ballistic Missile Defense* (Washington, DC: Brookings Institution, 1984), 106.

13. Russia's 2010 military doctrine refers to "dangers" as well as "threats," whereas prior editions made reference only to threats. Although "dangers" might seem less menacing than "threats" to interested readers, the dangers mentioned are concrete and specific compared to the threats, the latter of a more general nature. Listed dangers include the desire of NATO to globalize its force potential and move its military infrastruc-

ture closer to the borders of Russia. See Marcel de Haas, "Russia's Military Doctrine Development (2000–10)," in *Russian Military Politics and Russia's 2010 Defense Doctrine*, ed. Stephen J. Blank (Carlisle, PA: Strategic Studies Institute, US Army War College, March 2011), 1–61, <http://www.strategicstudiesinstitute.army.mil/pdffiles/pub1050.pdf>.

14. For additional historical perspective on Russian military doctrine, see Jacob W. Kipp, "Russian Military Doctrine: Past, Present, and Future," in Blank, *Russian Military Politics*, 63–151. See also "The Military Doctrine of the Russian Federation," text, <http://www.Kremlin.ru>, 5 February 2010, in *Johnson's Russia List 2010*, no. 35 (19 February 2010).

15. Jacob W. Kipp, *Forecasting Future War: Andrei Kokoshin and the Military–Political Debate in Contemporary Russia* (Fort Leavenworth, KS: Foreign Military Studies Office, January 1999), <http://fas.org/nuke/guide/russia/agency/990100-kokoshin.htm>.

16. Nicholas Khoo and Reuben Steff, "‘This Program Will Not Be a Threat to Them’: Ballistic Missile Defense and US Relations with Russia and China," *Defense and Security Analysis* 30, no. 1 (March 2014): 17–28.

17. Force structures are the author's. For expert estimates, see Joseph Cirincione, "Strategic Turn: New US and Russian Views on Nuclear Weapons," *New America Foundation*, 29 June 2011, http://newamerica.net/publications/policy/strategic_turn; and Pavel Podvig, "New START Treaty in Numbers," *Russian Strategic Nuclear Forces* (blog), 9 April 2010, http://russianforces.org/blog/2010/03/new_start_treaty_in_numbers.shtml.

18. Grateful acknowledgment is made to Dr. James J. Tritten for the use of a model originally developed by him and modified by the author. Dr. Tritten is not responsible for any of the analysis or arguments here.

19. For example, a study by Global Zero discusses the possibility of missile defenses augmented by passive defenses (such as hardening and sheltering) and advanced US conventional missions against regional adversaries such as Iran or North Korea. See James Cartwright, *Modernizing U.S. Nuclear Strategy, Force Structure and Posture*, US Nuclear Policy Commission Report (Washington, DC: Global Zero, May 2012), http://www.globalzero.org/files/gz_us_nuclear_policy_commission_report.pdf.

20. For expert analysis, see Jeremiah Gertler, *U.S. Air Force Bomber Sustainment and Modernization: Background and Issues for Congress*, CRS Report for Congress, R43049 (Washington, DC: Congressional Research Service, 4 June 2014), <https://www.fas.org/sgp/crs/weapons/R43049.pdf>.

21. Department of the Air Force, *United States Air Force Posture Statement* (Washington, DC: United States Air Force, 2012), 15–16, cited in Gertler, *Bomber Sustainment and Modernization*, 5n17. For definitions of A2/AD capabilities, see Gertler, *Bomber Sustainment and Modernization*, 6n18.

22. Rebecca Slayton, *Arguments That Count: Physics, Computing, and Missile Defense, 1949–2012* (Cambridge, MA: MIT Press, 2013), 216–19.

23. AUSA, *Air and Missile Defense Capabilities*, 12.

24. On the need for a multilateral approach to nuclear arms reductions, see *ibid.*, 3–4.