

# WORLD OUTLOOK

AN UNDERGRADUATE JOURNAL  
OF INTERNATIONAL AFFAIRS  
AT DARTMOUTH COLLEGE

## **Editors-in-Chief**

Luke Bienstock '20  
Sam Koreman '20

## **Senior Editors**

Ciara Comerford '21  
Talia Lorch '20  
Connor Page '22  
Madeleine Sach '21  
Ben Vagle '22

## **Staff Editors**

Charlie Bateman '22	Tess Goldrick '21
Bill Cheng '22	Amanda Li '22
Chantal Elias '22	Sam O'Brien '22
Sam Hysa '22	Sarah Soloman '21

The Editors of *World Outlook* would like to express gratitude to the John Sloan Dickey Center for its encouragement and assistance.

### **Alumni Advisory Board**

Amb. Robert L. Barry '56    Peter M. Lehmann '85  
Richard L. Duncan '57    Edward C. Luck '70  
Dennis C. Goodman '60    Peter B. Martin '51  
Richard C. Halloran '51    Christopher Wren '57  
Mark C. Henrie '87

### **Faculty Advisory Board**

Stephen G. Brooks    Michael Mastanduno  
Douglas E. Haynes    Edward Miller  
Nelson M. Kasfir    Martin Dimitrov

### **Founders**

Timothy E. Bixby '87    Peter M. Lehmann '85  
Anne E. Eldridge '87    Mark C. Henrie '87  
Peter D. Murane '87

### **About the Journal:**

*World Outlook* is a student-run journal of international affairs that publishes papers written by undergraduate students. In addition, the journal features interviews with major global thinkers and opinion pieces written by our own staff. Our name and missions are motivated by the words of late Dartmouth President John Sloan Dickey. Please visit our website at <http://sites.dartmouth.edu/worldoutlook>.

### **Subscription Information:**

*World Outlook* (ISSN 0895-7452) is published bi-annually. Subscription requests should be directed to [World.Outlook@Dartmouth.edu](mailto:World.Outlook@Dartmouth.edu). All contributions are tax-deductible.

### **Submissions:**

*World Outlook* welcomes all current and former undergraduate students to submit papers relating to any aspect of international affairs. Papers to be considered for publication must be available in digital format. Papers should include references and bibliography consistent with the *Chicago Manual of Style* guidelines. Length should be under 7,000 words, although outstanding works of greater length will be considered. Submissions must be original works with accurate citations. Submit your work for review to [World.Outlook@dartmouth.edu](mailto:World.Outlook@dartmouth.edu), and include your name, school, and class year. All submissions become property of *World Outlook*.

### **Contact:**

*World Outlook* welcomes comments, criticism and corrections. Letters to the editor and corrections should be emailed to [World.Outlook@Dartmouth.edu](mailto:World.Outlook@Dartmouth.edu). or addressed to:

WORLD OUTLOOK AT THE JOHN SLOAN DICKEY CENTER  
6048 HALDEMAN  
DARTMOUTH COLLEGE  
HANOVER, NH 03755

# CONTENTS

## Essays

- Pirates of the Yellow Sea: Who They Are and Why They Engage in Piracy  
Ian Milden.....8
- Sovereign Wealth Funds: Evaluating the Threat to U.S. Interests at Home and  
Abroad  
Lexi Curnin.....23
- A Neofunctionalist Approach to U.S. Foreign Policy in North Korea: Why the  
United States Should Prioritize North Korean Integration Over Denuclearization  
Kevin Xiao.....38
- The Hypocrisy of the U.S. Pursuit of Human Rights:  
A Tool of Dominance?  
Camilla Hallman.....51

## Interview

- From Theory to Practice: An Interview with Jake Sullivan, Dartmouth's  
2019 Montgomery Fellow.....77

## Editorial

- Sanction Success: How Sanctions Led to the Iranian Nuclear Deal  
Madeleine Sach.....86



# EDITORS' NOTE

A constant feature of the field of international relations is that there are no constants; the global arena is continually shifting and becoming increasingly complicated. Since our last issue, we have seen important achievements by the international community and challenges to it. We have witnessed growing confusion in the United Kingdom surrounding Brexit and have heard growing concern regarding the future of U.S. foreign policy from our allies around the world. Among all of these phenomena and more, *World Outlook* saw submissions that captured a sampling of these ongoing issues.

We begin the publication with a fascinating article by Ian Milden of Western Kentucky University titled “Pirates of the Yellow Sea: Who They Are and Why They Engage in Piracy.” The first peer-reviewed article on this topic, Milden’s article traces the causes and intricacies of the piracy problem prevalent in the Yellow Sea before offering some possible policy solutions. Then, we feature an article written by local Dartmouth College Student, Lexi Curnin, titled “Sovereign Wealth Funds: Evaluating the Threat to U.S. Interests at Home and Abroad” that argues that sovereign wealth funds are low-risk endeavors that often effectively support foreign policy initiatives. The third paper is also from Hanover. Kevin Xiao’s “A Neofunctionalist Approach to U.S. Foreign Policy in North Korea: Why the United States Should Prioritize North Korean Integration over Denuclearization” comes next and investigates a possibility for peace and stability in East Asia. Our final article comes all the way from the University of Edinburgh. The article by Camilla Hallman titled “The Hypocrisy of the U.S. Pursuit of Human Rights: A tool of dominance?” investigates of how President George W. Bush employed international human rights law during the 2003 Iraq War.

This issue also features an interview with Dartmouth College’s 2019 Montgomery Fellow, Jake Sullivan. Sullivan’s experiences in the field of international relations are vast and impressive—he served as the National Security Advisor to Vice President Joe Biden and the Director of Policy Planning at the State Department. During his time in the White House, Sullivan was instrumental in negotiating the Iran Nuclear Deal. Our interview focuses on Sullivan’s professional and academic experiences. Finally, we conclude our issue with an editorial written by our very own Senior Editor Maddie Sach titled “Sanction Success: How Sanctions Led to the Iranian Nuclear Deal.” Sach argues that sanctions, because of their widespread multilateral support and effective implementation, successfully compelled Iran to scale back its nuclear weapons program.

Although all of our articles vary in subject matter, they all perform due diligence in bridging the gap between theory and practice. We hope that in reading these articles, you gain a greater understanding of a problem facing the global community. Perhaps more importantly, we hope that you enjoy reading these articles as much as we did.

Sincerely,  
Luke Bienstock '20 and Sam Koreman '20  
Editors-in-Chief

## PIRATES OF THE YELLOW SEA: WHO THEY ARE AND WHY THEY ENGAGE IN PIRACY

Ian Milden

Since December of 2015, the International Maritime Organization (IMO) and the International Maritime Bureau (IMB) have received reports of piracy in the Yellow Sea. This article argues that the pirates in the reports from the IMO and IMB are Chinese fishermen. They are engaging in piracy due to northeastern China's poor economy, the Chinese Government's fishing policies, environmental degradation, and South Korea's crackdown on illegal fishing. The four underlying causes demonstrate the pirates' importance. It also discusses the limited information on these acts of piracy as well as the things that we still do not know about the pirates and their attacks such as the frequency of the attacks. This article highlights some of the limitations to obtaining information about these pirates and their attacks. The article suggests policy options that China can use to eradicate piracy in the Yellow Sea. There are no previous peer-reviewed articles on this topic.

### INTRODUCTION

When people think of maritime piracy and China, they are most likely to think of pirates from centuries ago. However, piracy is a modern problem that threatens international shipping which China has a large stake in. While the People's Republic of China has been engaged in international efforts to combat piracy, it has largely neglected a case of piracy developing in its own backyard. This article will examine piracy in the Yellow Sea that has occurred since 2015 to understand who the pirates are and why they are engaging in piracy. This article will also discuss other known pieces of information about these pirates and some of the challenges in studying this case of piracy.

### EXAMINING PIRACY IN CHINESE LAW: HIGHLIGHTING PROBLEMS

Defining piracy in regard to China is the first major challenge in studying China's responses to maritime piracy because "China does not have specialized domestic laws against piracy." (Chi 2012, 27). Since China does not have specialized domestic anti-piracy laws, "Chinese law neither expressly criminalizes piracy, nor provides a clear definition of piracy." (Chi 2012, 28). This makes it impossible for China to prosecute pirates on charges of piracy.

The Chinese legal system gets around this by punishing pirates in the same way "as other forms of crimes." (Chi 2012, 28). For example, when twelve Chinese men and one Indonesian man were executed for hijacking a ship in the South China Sea and murdering the crew, they were executed after being "convicted of murder and robbery" (Gittings 2000). While this may be effective punishment, it asserts that Chinese domestic laws for crimes such as robbery and murder apply over international waters. A domestic piracy law would be more appropriate because "the crime of piracy is subject to universal jurisdiction" (Chi 2012, 30).

It is also problematic for researchers because it forces them to sift through cases

Ian Milden graduated from Western Kentucky University Summa Cum Laude with a double major in History and Political Science. After graduation, he will pursue a Master's Degree in Public Administration also at Western Kentucky University.

of robbery, murder, and other crimes related to piracy in order to find cases of piracy. Not prosecuting pirates under an anti-piracy law also makes it difficult to determine how frequently piracy is committed near China and how frequently pirates are prosecuted.

People who are convicted of crimes such as murder get the death penalty in China. China says that death penalty cases are a state secret and does not release statistics about executions (Gittings 2000). Some cases are reported individually and “often only in the local press,” which may be one way to attempt to track piracy cases (Gittings 2000). However, using this method would be difficult, time-consuming, and lead to an incomplete picture of the problem. Using this method would also assume that archived versions of local newspapers would be made available, which may not be the case since China has an authoritarian government.

There are a few possible explanations as to why China does not have a modern anti-piracy law. One possible explanation is that China does not want to criminalize its activities in intellectual piracy. However, a law could be made to expressly define piracy as maritime piracy which avoids intellectual piracy altogether. Another explanation suggests that piracy in Chinese waters is viewed as a problem from the past, and lawmakers may not see a need for a modern domestic anti-piracy law. Even if the Chinese Government holds this view, it clearly sees international piracy as a problem. China ratified the UN Convention on the Law of the Sea (hereafter UNCLOS) in 1996 which means it has an international responsibility to combat piracy. (Chi 2012, 24). The Chinese Government may see UNCLOS and other portions of international law as adequate for dealing with international piracy. However, UNCLOS “is based on the presumption that states have or will enact adequate domestic anti-piracy legislation” (Chi 2013, 116). China needs to update its piracy laws in order to more effectively be in compliance with international treaties and conventions on combatting piracy.

## **DEFINING PIRACY AND EVALUATING SOURCES**

This article examines piracy in the Yellow Sea, a case which is in China’s proximity. In order to evaluate piracy in the Yellow Sea, a definition of piracy is needed that clearly defines what cases are worthy of examination. Chinese law does not provide a definition of piracy, and UNCLOS is not applicable to acts of piracy that occur within territorial waters. Territorial waters were carved out of the UNCLOS definition to protect state sovereignty (IMB 2016). Since much of the Yellow Sea is territorial waters, it does not make sense to use the definition of piracy in UNCLOS. For the purposes of this case study of pirates in the Yellow Sea, piracy shall be defined as acts or attempted acts of robbery aboard ships by people who were not supposed to be on the ship. This includes unauthorized boarding of a ship and attempted unauthorized boarding of a ship with the likely intent of committing robbery.

The only sources of information on these pirates appear to be piracy reports from the International Maritime Organization (hereafter IMO), which is an office in the United Nations, and the International Maritime Bureau (hereafter IMB), which is an office in the International Chamber of Commerce. These re-

ports typically include the name of the ship attacked, the country the ship was registered to, the location of the attack, the date of the attack, and a brief description. Some reports lack some of these details. In some cases, there was either a request to withhold information or the information simply was not provided. The IMO and IMB are completely dependent on others reporting these incidents to them.

Further complicating the use of these sources is that the IMO and IMB data does not always match. In fact, the number of reports in a given year and how they are categorized do not match. The data from incident to incident also does not perfectly match. Discrepancies often revolve around the description and the presence or absence of data. To illustrate how this can be problematic, an incident that occurred in Yangzhou in 2016 can be used. Enough of the data such as the date, March 27th, and the name of the ship, SBI *Athena* of the Marshall Islands, matches that it is certainly the same incident. According to the description in the IMB's annual piracy report for 2016, "Robbers disguised as stevedores boarded the berthed ship during cargo operations and escaped with the ship's properties" (IMB 2017). The IMO's report for the month of March of 2016 said, "Duty Officer on security patrol at Yangzhou Conch terminal for loading operation discovered five fire nozzles from the fire-boxes had been stolen" (IMO 2016).

Further problematic with this particular incident is the details on the location. The IMB report just lists "Yangzhou Conch Terminal, China" as the location of the incident with no GPS coordinates, which are listed for many other incidents (IMB 2017). The IMO monthly report lists the location of the incident as "Yellow Sea" and "Yangzhou, China" and provides GPS coordinates of "310, 16' N, 1190, 25 E" (IMO 2016). Those coordinates are for a location that is not in the Yellow Sea. The coordinates are south and west of the Yellow Sea in the municipality of Yangzhou. At the bottom of the IMB's annual piracy report, there is a map which has pinpoints for the locations of all the incidents and there is one that appears to be approximately where the city of Yangzhou is suggesting that the IMO's label of this incident being in the Yellow Sea is incorrect (IMB 2017). The coordinates lead to a farmhouse near a lake in Jiangsu Province which suggests that this is more likely a case of robbery or petty theft rather than piracy ("Google Maps latitude and longitude of an address" 2018).

While these issues prevent us from gaining a coherent narrative of events, we can still rely on these sources for studying these pirates. Basic details that are easier to verify often match between the IMO and IMB. These details include the date, name of the ship, approximate location, and results of the attack. The parent organizations of the IMO and IMB, which are the United Nations and the International Chamber of Commerce respectively, are widely cited in credible research. The IMB's Piracy Reporting Center also coordinates with law enforcement and ship captains to track piracy data, warn crews of threats, and help apprehend pirates (IMB 2017).

The IMB is hamstrung by its dependence upon the ships and governments to report incidents of piracy to them. Both have incentives to not report incidents of piracy. Shipping companies are concerned about spikes in insurance premiums. For example, the premium for a single transit through the Gulf of Aden

went “from \$500 to as much as \$20,000” as pirate attacks spiked off the coast of Somalia in the late 2000s (Kraska and Wilson 2008, 43). Not reporting incidents of piracy keeps insurance premiums low and allow companies to build piracy into their operating costs. Reports of piracy would also force shipping companies to hire private security firms which also increases the cost of shipping.

The Chinese Government might not want to report piracy to avoid scaring shipping companies away from ports that are vital to its economy. The Port of Tianjin, which has been the location for four attacks, is one of China’s largest ports and is the closest to Beijing, according to China Daily, the English language newspaper of the Chinese Government (“About Tianjin Port” 2013). Reports of piracy could deter shipping to affected port areas and raise the price of goods to account for new costs created by piracy. Since both the Chinese Government and the shipping companies have reasons not to report, piracy in the Yellow Sea is likely underreported.

If the incident in Yangzhou is not counted, there have been seventeen reported incidents of piracy in the Yellow Sea between the start of 2015 and the end of the first quarter of 2019 according to the IMB. Identifying who the pirates are would help determine their motivations, but the reports from the IMB simply just describe the pirates as men with no other physical descriptions. There is also no information in these reports to determine whether any of these pirates were arrested by the Chinese authorities. Even if a pirate was arrested by the Chinese authorities, the public would not be guaranteed any information.

## **WHO ARE THE PIRATES?**

There is enough information to guess that the identities of the pirates are most likely Chinese fishermen. The most telling piece of information is an incident in 2015 where pirates “in a wooden fishing boat” boarded the bulk carrier Alpha Era. (IMB 2016). This attack was an anomaly because the report specified the attacking boat was a fishing boat, the attackers were reported to be armed with knives, and there were eight pirates involved which is a larger number than any other attack. However, there are other reasons to believe that fishermen are the most likely people committing acts of piracy in the Yellow Sea. When boats used by the pirates are described in the reports, there are usually described as “small” or “wooden” which is not inconsistent with a description of a fishing boat (IMB 2018). Fishermen also have the most logical reason to be out at sea since their livelihood depends on it.

Another indicator that fishermen are responsible is the timing of the attacks. The attacks occur only in the winter and early spring, disproportionately occurring in December, which suggests that piracy is a part-time endeavor for the pirates. A partial explanation for the timing of the attacks can result from a summer fishing ban which China imposed to replenish fish stocks (Xinhua News Agency 2012). China maintains that fishing bans are effective policy and is blacklisting fishermen for fishing violations with the goal of reducing the number of fishing vessels (Wang 2017). A summer

fishing ban deters boats from going out as fishermen may not see it as a worthwhile expense if their ship runs on fuel or worth potential trouble with the government.

The locations of the attacks are also closer to China than the Korean Peninsula which suggests that the pirates are most likely Chinese. All of the attacks are closer to a Chinese port than a North Korean port and are listed in IMB reports by the closest Chinese port. If the pirates were North Koreans, there would likely be attacks closer to the Korean Peninsula as well as attacks in the Sea of Japan, but there have been none reported in those areas.

Another reason why the pirates are most likely fishermen is that the people who turn to piracy tend to be people who have experience on boats. In Marcus Rediker's study of the social world of Anglo-American pirates, Rediker notes that almost all the people who were Anglo-American pirates in the early 1700s had previously been "merchant seamen, Royal Navy sailors, or privateersmen" (Rediker 2001, 140). These were all people who had the strength, experience, and expertise to operate a ship. While modern technology has made it easier to use a boat and to travel faster, there is nothing to indicate that the ships being used by pirates in the Yellow Sea have this technology. The descriptions of wooden boats reinforce the idea that these boats are most likely sailing ships or rowboats and require that strength and expertise. (IMB 2018). China had 370,000 registered fishing boats without an engine in 2015 which was 35% of the registered fishing vessels ("FAO Fisheries & Aquaculture-Country Profile: People's Republic of China" 2017). Fishermen would have the expertise to operate such boats while unemployed miners and factory workers would not.

The fishermen have also shown a willingness to use violence in a manner that is not inconsistent with the reports of the pirates. On December 12th, 2011, a Chinese fisherman who was illegally fishing in Korean waters fatally stabbed a member of the Korean Coast Guard (Kim 2012, 456). Chinese fishermen have had other violent clashes with the Korean Coast Guard where they have used "axes, shovels, and steel pipes" (Kim 2012, 469). In a piracy attack on January 11th, 2019, the two pirates were reported to the IMB as being armed with a "steel bar" (IMB 2019). While most of the Yellow Sea piracy reports do not list any weapons, the IMO only tracks firearms, knives, and rocket-propelled grenades which are weapons not in the possession of the pirates or fishermen (IMO 2017). The use of these weapons also suggests that the fishermen are poor and are using the weapons that are most readily available to them rather than purchasing them.

Economic conditions and policies appear to play a major role in piracy in the Yellow Sea. The use of wooden fishing boats indicates that these pirates do not have a lot of financial resources to draw upon and need good results from their fishing in order to survive (IMB 2018). China's northeastern regions, which border the Yellow Sea, have not been performing well economically in recent years when compared with the rest of the country. The economy of the Liaoning region, which is on the border of the Yellow Sea and North Korea, only grew by 2.1% in the first half of 2017, which is much worse when compared to the national growth

rate of 6.9%. These numbers may not be accurate as Chinese Government officials have put out fraudulent economic statistics and revised them later (“Liaoning Worst Performer as Northeast Lags Behind China’s Growth” 2017). The official unemployment rate in Liaoning was 7% in 2016, but people have criticized that number as an underestimate (“China Unveils Urban Survey Unemployment Rate” 2018).

Changing policies regarding the fishing industry have also provided motivation for piracy. New policies from the Chinese Government attempt to limit overfishing and illegal fishing with the goal of improving the quality and profitability of fishing (“FAO Fisheries & Aquaculture - Country Profile: People’s Republic of China” 2017). However, these policy changes have pushed people out of their jobs in the fishing industry. Between 2013 and 2014, 140,375 people lost their jobs in the fishing industry. (“FAO Fisheries & Aquaculture - Country Profile: People’s Republic of China” 2017). That number equated to approximately 1% of the jobs in China’s fishing industry.

Environmental degradation has killed off fish in waters near China, which restricts options for unemployed fishermen (“FAO Fisheries & Aquaculture - Country Profile: People’s Republic of China” 2017). Many Chinese fishermen have tried illegally fishing in Korean waters, which are not as polluted, at the risk of being arrested by the Korean Coast Guard. Between 2002 and 2011, 4,175 Chinese fishing boats were detained by the Korean Coast Guard for illegal fishing. In the same time period, only two Korean fishing vessels were detained by the Chinese authorities for illegal fishing. The South Korean Government has taken measures to crack down on illegal fishing by imposing heavy fines, sending out more patrols, and arresting fishing crews instead of simply detaining them. Policy changes resulted in encounters between the Korean Coast Guard and Chinese fishermen that have become increasingly violent. The fishermen arrested by the South Korean authorities lose the fish they caught, and are punished by China by being banned from fishing and losing fuel subsidies (Kim 2012, 466–470).

If the economic, political and environmental restrictions on fishing get tighter, that may encourage more acts of piracy and create more dangerous pirates. Chinese fishermen have cooperated with each other when confronted by the Korean Coast Guard, going as far as to chain their ships together in conflicts. The Chinese fishermen have also shown an ability to adapt to the tactics used by the Korean Coast Guard by using steel fences and spears to prevent boarding by the Korean Coast Guard (Kim 2012, 468–469). There is no reason to think that they would not be violent with their targets or the Chinese authorities if fishing restrictions are tight enough to prevent them from having an effective way to make a living.

## **ATTACK TARGETS**

Of the seventeen ships attacked, thirteen of them were bulk carriers. However, only two of the pirate attacks successfully got away with the ships’ stores which indicates that the cargo is not the target in most cases. Fuel was stolen more than twice as often as the stores on the ship. Fuel was likely targeted because a pirate knows that a commercial ship likely has it, and it is less noticeable if a pirate

uses it for himself or sells it for profit. Fuel may also be targeted as a way to replace a potentially lost fuel subsidy for an earlier legal infraction. Some of the pirates who steal fuel manage to get away without being noticed until they are gone (IMB 2017). The targeting of fuel indicates that these pirates are opportunistic in their approach, meaning that they engage in piracy when it is convenient.

Another thing that suggests that the pirates are opportunistic is the status of the ship when it was attacked. All of the ships that were attacked are either anchored close to shore or docked at a port. Anchored and docked ships are not moving, which makes them easier to plan an attack on and board. The attacks might be occurring at night as that would be a logical time for ships to be at anchor and for the crew to be less alert. The locations of the attacks are in the port area or within China's territorial waters which makes a night attack from a pirate onshore viable. Night attacks are also more difficult to decreased visibility. However, there is no data on the piracy reports indicating what time of day these attacks occurred.

The ships attacked are registered mostly in countries that lack powerful navies. The countries of registration for the ships attacked include Panama, Liberia, The Marshall Islands, Malta, Singapore, Japan, and the Isle of Man. While an argument could be made that the pirates are just targeting ships from militarily weak states, that does not explain the attack on the Japanese Ore Carrier. The attack on the Japanese Ore Carrier is an exception when compared to the other countries of registration, but a more likely explanation exists to counter that theory.

The ships attacked may simply be using "flags of convenience." Flags of convenience are states that allow ships to register as being from that country for a revenue source. Using a flag of convenience allows a ship owner to take advantage of the country's limited or non-existent regulations and oversight, avoid taxes, and allow for the hiring of cheap labor from anywhere in the world ("Why so many shipowners find Panama's flag convenient" 2014). They tend to be found in small states with maritime borders, small navies, and a need for revenue. Flags of convenience also obscure the identity of the owner making it difficult to determine whether the ship's owner affects the likelihood of it getting attacked. The diversity in countries among the ships attacked suggests that the ship's country of registration plays no role and that the piracy in the Yellow Sea is opportunistic rather than politically motivated.

The use of flags of convenience may also discourage China from acting against these pirates. States with flags of convenience do not prioritize the regulation and safety of their ships which attracts ships to their registries. ("Why so many shipowners find Panama's flag convenient" 2014). States that have flags of convenience are not naval or diplomatic powers, so they do not have the resources to devote to this problem.

## **CHINA'S RESPONSE TO THE PIRATES AND POTENTIAL POLICY OPTIONS**

There is currently no indication that the Chinese Government has done anything in response to the pirates. It is also possible that they may not be aware of the problem. The lack of media coverage on these pirates, in addition to the small number

of reported attacks, likely contributes to the problem remaining unaddressed. The limited amount media coverage indicates that the acts of piracy in the Yellow Sea are not a high concern for the Chinese Government. The Chinese Government should be concerned about these incidents of piracy in the Yellow Sea not only because of its proximity to China but also because it signifies larger problems in the region's economic and fishing policies. Until the Chinese Government successfully addresses the problems with the policies in the region, sailors should remain vigilant and well-trained in the ship's emergency procedures to deter piracy in the Yellow Sea.

If the Chinese Government did become interested in deterring piracy while it fixes its policies, there are a few steps that it could take. Patrols in the Yellow Sea, along with watchmen in the ports, would help deter piracy because the pirates in the Yellow Sea seem to avoid confrontation. Hiring watchmen to patrol the ports and the Yellow Sea could also provide jobs for those struggling economically or who have recently become unemployed. Hiring unemployed fishermen as watchmen could also deter them from partaking in piracy, as long as they are sufficiently compensated. If they are attacking at night, boats with lights and that can sound an alarm would help deter piracy.

Military patrols in the Yellow Sea are probably unnecessary to combat piracy due to the lack of confirmed pirates with weapons. Military patrols could agitate fishermen and others living in northeastern China as it may be seen as unnecessary or in the case of the fishermen, interfering with their livelihoods which could encourage piracy. Military patrols are also likely a more expensive option when compared to other policy options.

If a pirate is captured, harsh punishment is not advisable as that may inflame tensions in the region, especially if piracy is more widespread than the reported numbers indicate. If piracy is more widespread than the reports suggest, it could indicate that the pirates have some level of popular support within the regions bordering the Yellow Sea.

Another option to deter piracy is a program to subsidize fishermen. A fuel subsidy already exists on a heavily restricted basis, so this policy option consists of expanding access to it or creating new subsidies. This would allow them to continue to work while deterring them from committing acts of piracy for supplemental income. A subsidy program would also give the government more information about the region's fishing industry as it would allow for the creation of a registry of those receiving subsidies from the government. A three strike rule may be a better policy than taking away fuel subsidies after the first infraction.

An environmental cleanup program would also be beneficial. An environmental cleanup program could create jobs with the actual cleanup and management. An improved environment would also allow more fish to thrive in the Chinese waters of the Yellow Sea making it less necessary for Chinese fishermen to try fishing illegally in Korean waters or to engage in piracy. This would also help the profits of the fishing industry with the increased numbers of fish as well as having healthier fish to catch.

Loosening restrictions on overfishing and illegal fishing in Chinese waters could also help deter piracy. Looser restrictions could allow for a less dangerous outlet for unemployed fishermen to make a living. While overfishing and illegal fishing

would still be issues, it would likely prevent the piracy problem from worsening. Policy adjustments can be made later to combat overfishing and illegal fishing, but they must better account for the economic situations of the people affected by the policy changes.

The use of one or more of these options needs to be paired with investments into the economy of northeastern China if China is serious about ending piracy in the Yellow Sea. Long-term economic investment into northeastern China is necessary as that can provide pirates and would-be pirates with other options that are safer and more economically profitable than piracy. Changes in fishing policy also need to account for the individual people affected by them and cannot leave people economically stranded.

## IMPLICATIONS

The pirates of the Yellow Sea do not present a major threat to shipping at the moment. They have succeeded in a little more than half of their attacks, and only a small number have been reported. Losses incurred from successful attacks appear to be limited. These pirates are important not for what they have done so far, but why they have done what they have done. Their reasons for engaging in piracy can be summed up as desperation. The poor economic performance of the region, combined with harmful economic policies and environmental degradation, create an image of economic strangulation and desperation within the communities of northeastern China. Piracy is a symptom of these underlying causes. If these underlying conditions worsen, the number of attacks and the costs will increase. In order to avoid this outcome, the Chinese Government must act to address the underlying causes of piracy in the Yellow Sea.

**APPENDIX A: PIRACY IN CHINA SINCE 2015 AS REPORTED BY THE IMO AND IMB**

Year	Yellow Sea: IMO	Yellow Sea: IMB	China: IMB
2019 (1 <sup>st</sup> Quarter)	N/A	3	3
2018	N/A	3	3
2017	1	2	2
2016	7	6	7
2015	4	3	3
2014	0	0	0
2013	0	0	0
2012	0	0	1

**Note:** The IMO listed two incidents in 2012 under “Far East.” Based upon a comparison to the IMB reports, one incident occurred in China, but not in the Yellow Sea. I could not find the other incident within the IMB reports. The IMO has not released any reports since September of 2017.

**Data Sources:** IMO and IMB Piracy Annual Reports 2012–2016, IMB Annual Piracy Reports for 2017–2018, IMO Monthly Report for February of 2017, IMB First Quarter Report. Created by Author.

**APPENDIX B: PIRATE ATTACK TARGET DATA**

Country of Registration	2012	2013	2014	2015	2016	2017	2018	2019	Total
Panama	0	0	0	1	0	1	1	0	3
Liberia	0	0	0	0	0	0	2	0	2
Malta	0	0	0	1	1	1	0	0	3
Singapore	0	0	0	1	1	0	0	1	3
Marshall Islands	0	0	0	0	2	0	0	0	2
Japan	0	0	0	0	1	0	0	0	1
Isle of Man	0	0	0	0	1	0	0	0	1
Hong Kong	0	0	0	0	0	0	0	2	2
<b>Type of Ship</b>									
Bulk Carrier	0	0	0	2	4	2	3		11
Oil Tanker	0	0	0	0	1	0	0		1
Ore Carrier	0	0	0	1	1	0	0		2
<b>Results</b>									
Failed Boarding	0	0	0	0	0	0	2		2
Boarded without theft	0	0	0	2	1	1	0		4
Theft of Fuel	0	0	0	1	3	0	1		5
Theft of Stores	0	0	0	0	2	0	0		2
Theft (item not clear)	0	0	0	0	0	1	0		1
<b>Success</b>	0	0	0	1	5	1	1		8
<b>Failure</b>	0	0	0	2	1	1	2		6
<b>Total</b>	0	0	0	3	6	2	3		14

**Data Sources:** IMB Annual Piracy Reports 2012–2018, IMB 2019 First Quarter Report. Created by Author

## APPENDIX C: DETAILS OF PIRACY INCIDENTS IN THE YELLOW SEA

Based on IMO datasets	2015 (IMO)	2016 (IMO)	2017 (IMB)	2018 (IMB)	2019 (IMB)
<b>Total Number of Incidents Reported</b>	3	7	2	3	3
<b>Location</b>					
In Port	0	5	0	3	3
In Territorial Waters	3	2	2	0	0
In International Waters	0	0	0	0	0
Uncertain	0	0	0	0	0
<b>Ship Status</b>					
Moving	0	0	0	0	0
Anchored	3	6	2	3	3
Not Stated	0	1	0	0	0
<b>Number of People involved</b>					
1-4 people	1	3	2	2	3
5-10 people	1	0	0	0	0
More than 10 people	0	0	0	0	0
Not Reported/Unknown	1	4	0	1	0
<b>Consequences</b>					
Consequences to Crew	0	0	0	0	0
Consequences to Cargo	0	0	1	0	1
No Reported Consequences	3	7	1	3	2
<b>Weapons used</b>					
Guns	0	0	0	0	0
Knives	1	0	0	0	0
Other	0	0	0	0	1
None Reported	2	7	2	3	2
<b>Area Boarded</b>					
Crew Accommodations	0	0	0	0	0
Cargo Area	0	3	0	0	0
Store Rooms	1	0	0	0	0
Engine Room	0	0	0	1	0
Main Deck	0	4	1	0	0
Boarding Failure	2	0	0	2	0
Other/Not Clearly Reported	0	0	1	0	3
Deaths	0	0	0	0	0
Hostages Taken	0	0	0	0	0

**Data Sources:** IMO Annual Piracy reports 2015–2016, IMB Annual Piracy Reports 2017–2018, IMB First Quarter Report for 2019. Created by Author

## APPENDIX D: ATTACK LOCATION DATA

Location	2012	2013	2014	2015	2016	2017	2018	2019	Total
Caofedian Anchorage (Yellow Sea)	0	0	0	1	0	1	2	2	6
Longkou (Yellow Sea)	0	0	0	0	1	0	0	0	1
Tianjin Port (Yellow Sea)	0	0	0	2	1	0	1	0	4
Rizhao Port, Shandong (Yellow Sea)	0	0	0	0	1	0	0	0	1
Qinhuangdao (Yellow Sea)	0	0	0	0	1	0	0	0	1
Tangshan (Yellow Sea)	0	0	0	0	2	1	0	0	3
Jintang Anchorage (Yellow Sea)	0	0	0	0	0	0	0	1	1
Nantong (East China Sea)	1	0	0	0	0	0	0	0	1
Yangzhou (Central Coast)	0	0	0	0	1	0	0	0	1

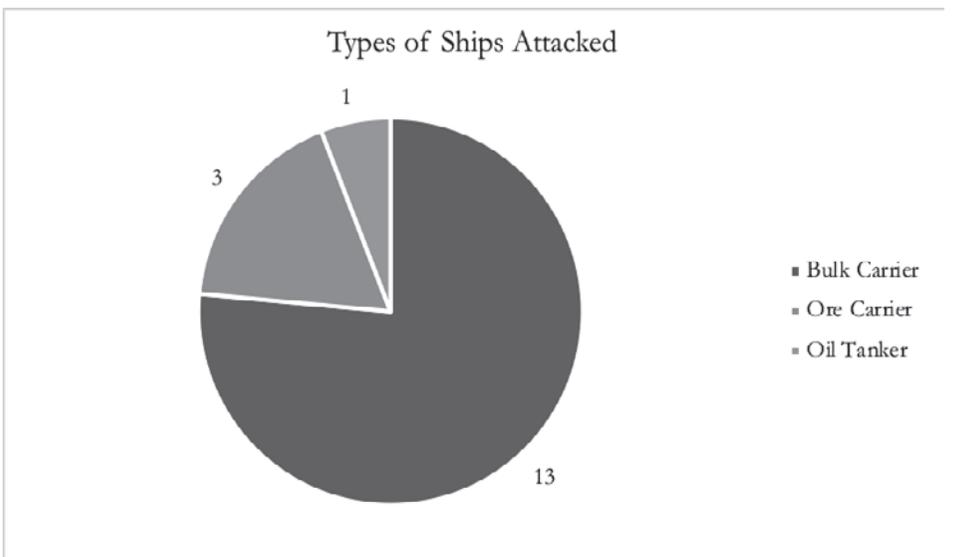
**Data Sources:** IMB Annual Piracy Reports 2012–2018, IMB First Quarter Report for 2019. Created by Author

**APPENDIX E: COUNTRIES OF REGISTRATION OF ATTACKED SHIPS IN THE YELLOW SEA**



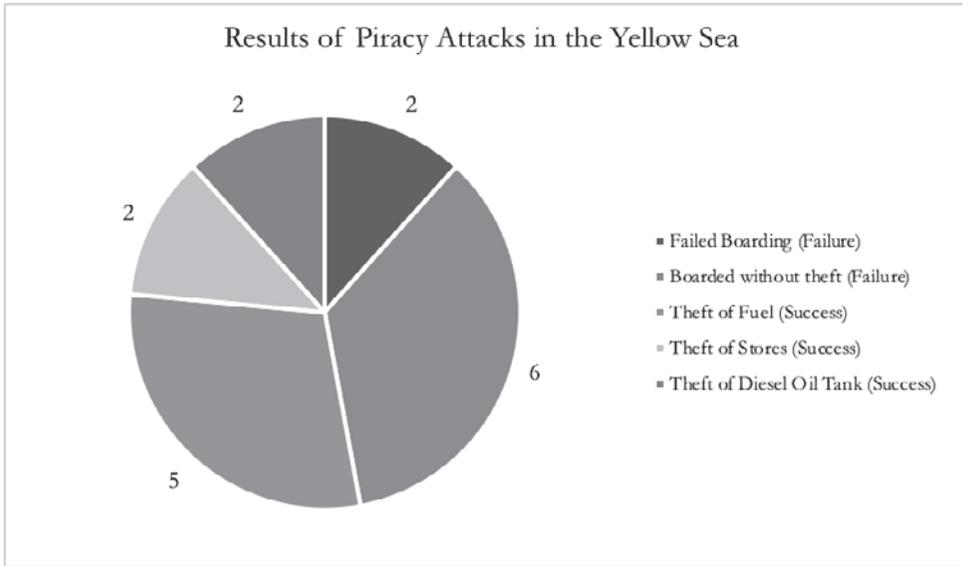
**Data Sources:** IMB Annual Piracy Reports 2015–2018, IMB First Quarter Report for 2019. Created by Author.

**APPENDIX F: TYPES OF SHIPS ATTACKED IN THE YELLOW SEA**



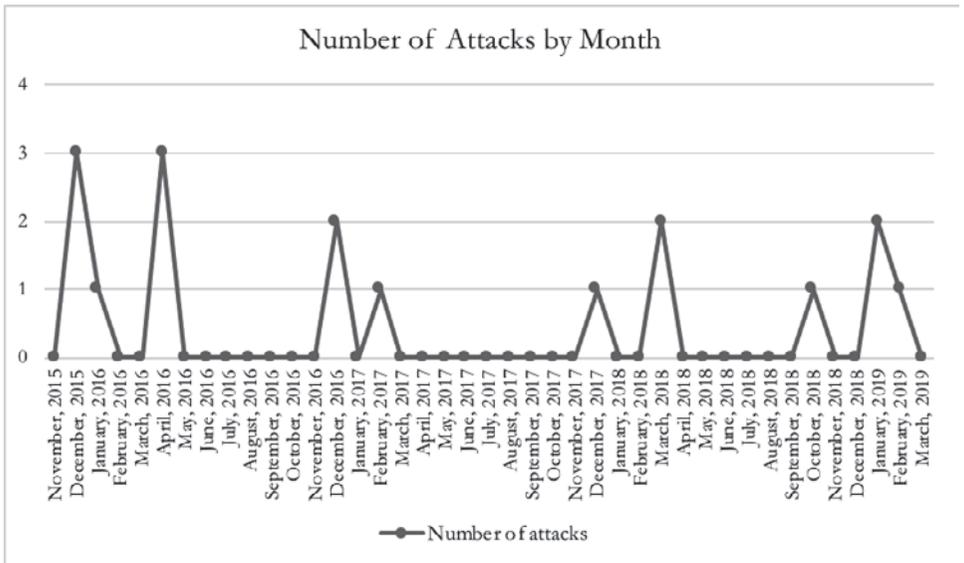
**Data Sources:** IMB Annual Piracy Reports 2015–2018, IMB First Quarter Report for 2019. Created by Author.

**APPENDIX G: RESULTS OF PIRACY ATTACKS IN THE YELLOW SEA**



**Data Sources:** IMB Annual Piracy Reports 2015–2018, IMB First Quarter Report for 2019. Created by Author.

**APPENDIX H: NUMBER OF ATTACKS BY MONTH**



**Data Sources:** IMB Annual Piracy Reports 2015–2018, IMB First Quarter Report for 2019. Created by Author.

## WORKS CITED

---

- Chi, Manjiao. 2013. "China's Legal and Operational Responses to International Piracy." *Ocean Development & International Law* 44. no. 1. pp. 113–122.
- Chi, Manjiao. 2012. "Finding out the 'Achilles' Heels': Piracy Suppression under International Law and Chinese Law." *Journal of East Asia and International Law* 5. no. 1. pp. 7–36.
- Gittings, John. 2000. "Tipsy Pirates Go Down Singing." *The Guardian*. Last modified January 30. Accessed at: <https://www.theguardian.com/world/2000/jan/30/china.johngittings>.
- International Maritime Bureau. 2013. *Piracy and Armed Robbery Against Ships: Annual Report for 2012*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2014. *Piracy and Armed Robbery Against Ships: Annual Report for 2013*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2015. *Piracy and Armed Robbery Against Ships: Annual Report for 2014*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2016. *Piracy and Armed Robbery Against Ships: Annual Report for 2015*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2017. *Piracy and Armed Robbery Against Ships: Annual Report for 2016*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2018. *Piracy and Armed Robbery Against Ships: Annual Report for 2017*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2018. *Piracy and Armed Robbery Against Ships: Report for 1 January–31 March 2018*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2019. *Piracy and Armed Robbery Against Ships: Annual Report for 2018*. London, UK: International Chamber of Commerce.
- International Maritime Bureau. 2019. *Piracy and Armed Robbery Against Ships: Quarterly Report for the First Quarter of 2019*. London, UK: International Chamber of Commerce.
- International Maritime Organization. 2013. *Report on Acts of Piracy and Armed Robbery against Ships: Annual Report – 2012*. London, UK: United Nations.
- International Maritime Organization. 2014. *Report on Acts of Piracy and Armed Robbery against Ships: Annual Report – 2013*. London, UK: United Nations.
- International Maritime Organization. 2015. *Report on Acts of Piracy and Armed Robbery against Ships: Annual Report – 2014*. London, UK: United Nations.
- International Maritime Organization. 2016. *Report on Acts of Piracy and Armed Robbery against Ships: Annual Report – 2015*. London, UK: United Nations.
- International Maritime Organization. 2016. *Reports on Acts of Piracy and Armed Robbery Against Ships: Acts Reported During March 2016*. London, UK: United Nations

- International Maritime Organization. 2017. *Report on Acts of Piracy and Armed Robbery against Ships: Annual Report – 2016*. London, UK: United Nations.
- International Maritime Organization. 2017. *Reports on Acts of Piracy and Armed Robbery Against Ships: Acts Reported During February 2017*. London, UK: United Nations.
- Kim, Suk Kyoong. 2012. "Illegal Chinese Fishing in the Yellow Sea: A Korean Officer's Perspective." *Journal of East Asia and International Law* 5. no. 2. pp. 455–477.
- Kraska, James, and Brian Wilson. 2008. "Fighting Pirates: The Pen and the Sword." *World Policy Journal* 25. no. 4. pp. 41–52. Accessed at: <http://www.jstor.org/stable/40210120>.
- n.a. 2013. "About Tianjin Port." *China Daily*. Last modified March 25, 2013. Accessed at: [http://www.chinadaily.com.cn/m/tianjinport/2013-03/25/content\\_16342899.htm](http://www.chinadaily.com.cn/m/tianjinport/2013-03/25/content_16342899.htm).
- n.a. 2014. "Why so many shipowners find Panama's flag convenient." *BBC News*. Last modified August 5, 2014. Accessed at: <http://www.bbc.com/news/world-latin-america-28558480>.
- n.a. 2017. "FAO Fisheries & Aquaculture - Country Profile: People's Republic of China." *Food and Agriculture Organization of the United Nations*. Last modified December 2017. Accessed at: <http://www.fao.org/fishery/facp/CHN/en>.
- n.a. 2017. "Liaoning Worst Performer As Northeast Lags Behind China's Growth." *South China Morning Post*. Last modified July 31, 2017. Accessed at: <http://www.scmp.com/news/china/economy/article/2104789/liaoning-worst-performer-chinas-northeast-lags-behind-countrys>.
- n.a. 2018. "China Unveils Urban Survey Unemployment Rate." *MarketWatch*. Last modified April 17, 2018. Accessed at: <https://www.marketwatch.com/story/china-unveils-urban-survey-unemployment-rate-2018-04-17-1485030>.
- n.a. 2018. "Google Maps latitude and longitude of an address." *Gps-coordinates.net*. Accessed December 18, 2018. Accessed at: <https://www.gps-coordinates.net/>.
- Rediker, Marcus. 2001. "The Seaman as Pirate: Plunder and Social Banditry at Sea." In *Bandits at Sea: A Pirating Reader*, edited by C. R. Pennell, New York: New York University Press. pp. 139–168.
- Xiaodong, Wang. 2017. "Bans help replenish sea fish stocks." *China Daily*. pp. 4.
- Xinhua News Agency. 2012. "Annual north China fishing ban begins." *BBC News*, Accessed June 1, 2012.

## SOVEREIGN WEALTH FUNDS: EVALUATING THE THREAT TO U.S. INTERESTS AT HOME AND ABROAD

Lexi Curnin

This paper explores the debate over sovereign wealth funds (SWFs) and the foreign policy risks they pose. Large flows of capital from SWFs—government-controlled investment vehicles—have led to cries that the funds are being used sway political outcomes abroad. I ask under what circumstances such concerns may be founded and when alternative measures of statecraft are preferable. I conclude that the risk from SWFs is low and that protectionist measures should be avoided where possible.

### INTRODUCTION

*“Like any Shakespearean character, sovereign wealth funds are neither uniformly good or evil, but are institutions caught between two poles (Balding 2012).”*

—*Christopher Balding, Associate Professor at Peking University HSBC School of Business*

Sovereign wealth funds are government-owned investment vehicles that serve a variety of economic purposes. Described as sitting “at the intersection of high finance and high politics,” sovereign wealth funds (SWFs) have long been suspected of also serving political purposes (Drezner 2008). These funds exist between the gravitational pulls of profit-seeking and political advancement, raising concerns over conflicts of interest between the home government and the fund’s financial health. Scholarship on the subject is divided on whether political motivations commonly touch the investment strategy of SWFs, but if a state were to use financial instruments to advance foreign policy goals, it is not clear that SWFs are the choicest means of doing so. What, then, explains the polarization of opinion on the threat posed by SWFs? Truman explains the phenomenon well: “If a country were to conduct political and economic espionage, it could use more efficient and clandestine means than to set up an SWF. However, once established, the risk is there (Truman 2014).” The general lack of transparency among funds only exacerbates concerns.

This paper explores the mobilization of capital by SWFs for political objectives. The question of whether SWFs pose a threat to U.S. interests hinges not only upon investment in sovereign U.S. territory, but also upon investment abroad. As Edwin Truman writes, once the risk is there, the great diversity among funds with regard

Lexi Curnin is a proud member of the Dartmouth College Class of 2019. She is a Government major with a double-minor in Public Policy and Art History.

to transparency, structure, governance, and other factors calls for individual evaluation of funds and their investments. Today, domestic discourse concerning foreign investment centers upon China and critical technologies. The U.S., however, has developed comprehensive measures to evaluate foreign investment at home and block proposed transactions judged menacing. But how should the U.S. react to investment driven by clear political motivations by states in regions and nations outside the U.S.? And how might this risk be managed without obstructing global economic development?

After providing an overview of SWFs and the policies designed to regulate foreign investment in general, this paper will explore (1) fund-specific factors that influence the likelihood of politically-driven investment, (2) the primary means through which SWF funds can be used as political tools, (3) the circumstances under which alternatives such as sanctions may be preferable tools of statecraft, and conclude with (4) a brief discussion on meeting the challenges associated with SWFs. The evidence reviewed in the following sections suggests that while SWFs have been used to achieve political objectives in the past, the ability of other geoeconomic tools to produce comparable effects diminishes the risk attached to SWF investment abroad.

## **THE ADVENT AND PURPOSE OF SOVEREIGN WEALTH FUNDS**

The term “sovereign wealth fund” was not coined until 2005 (Truman 2014). A relatively recent phenomenon, SWFs first raised concerns in the wake of the global financial crisis of 2007–2009. A number of SWFs had earned affection for their investments in leading financial institutions early on in the crisis, only to become the target of criticism following the collapse of the system and the subsequent failure of these investments (Truman 2014). Despite the intense scrutiny and media attention directed toward SFWs during this time, it was only several years earlier that the funds had their humble beginnings as “stabilization funds” tasked with reducing the risk associated with volatility in commodity prices and the Dutch Disease phenomenon in which other industries suffer as a result of more attractive commodity prices (Balding 2012). The transformation from stabilization fund to sovereign wealth fund was rapid, occurring as the growth in available capital outpaced the needs of domestic stabilization functions (Balding 2012). Soon, capital surplus was being used to maximize risk-adjusted returns in the global financial marketplace (Balding 2012).

Today, SWFs address three primary economic risks while profitably investing surplus capital. First, SWFs can help countries avoid inflation associated with rapid growth in money supply caused by surplus inflows by moving the inflows into international assets (Balding 2012). Second, SWFs prevent excessive growth in government expenditures in the event of rising tax revenues (Balding 2012). If a government did not closely manage expenditures and increased spending indiscriminately with each revenue windfall, inflation would likely occur (Balding 2012). Finally, surplus inflows can cause an unhealthy appreciation in a country’s real exchange rate, in turn making exports less competitive (Balding 2012). Investing surplus capital abroad reduces inflationary pressure on exchange rates.

The capital held by SWFs is typically generated through one of three pri-

mary channels. The first type of fund includes those dependent on commodities. The high commodity prices between 2000 and 2010 led many countries to develop large fiscal surpluses, which were managed through the creation of SWFs (Balding 2012). These funds represent the largest category: 70 percent of non-pension SWFs are funded with commodity export proceeds (Truman 2014). The second type includes SWFs developed by countries with fixed currency exchange rates that generate significant current account surpluses. China, for example, developed the Chinese Investment Corporation (CIC) to manage large foreign exchange reserves while achieving higher rates of return than cash or low-yield debt alone could provide (Balding 2012). The third and final type is what Christopher Balding calls “vanity sovereign wealth funds,” which invest capital from government revenue (Balding 2012). France’s highly-levered Strategic Investment Fund, created in 2008 despite the country’s poor economic health at the time, falls into this category (Balding 2012).

Investment strategies among SWFs vary considerably. Asset allocation depends on the fund’s investment horizon, risk tolerance, risk management strategy, and preferred level of liquidity (Truman 2014). Equities, bonds, hedge funds, private equity, real estate, and infrastructure projects are all included in the wide range of possible acquisition targets. On average, SWFs have demonstrated a preference for equity investment, although asset allocation differs across funds (Drezner 2008, 121). Controlling ownership stakes are rare among SWFs and occur most commonly in domestic investments, though large long-term investment positions are common, as the size of SWFs makes them well-positioned to weather market fluctuations (Truman 2014, 18; Drezner 2008, 120). The Qatar Investment Authority, for example, purchased an average stake of 40.28 percent in investments from 2000 to 2014 (Fotak 2017, 41). The average stake held by a given SWFs in investment targets, however, ranges widely. On the high end of the spectrum, the State Oil Fund of the Republic of Azerbaijan holds an average stake of 83.82 percent, while the Bahrain Mumtalakat Holding Company holds only 6.67 percent, on average (Fotak 2017, 42).

## **DOMESTIC AND MULTILATERAL POLICY ON SOVEREIGN WEALTH FUNDS**

Policymakers have taken a special interest in foreign investment and the associated political implications for over four decades. Whether or not SWFs actually pose a danger to national security, the fear surrounding possible power-seeking motives could result in the creation of additional protectionist measures beyond those already in place (Cohen 2009, 713). But because the U.S. and the world at large have benefited immensely from free trade and an open financial system, protectionist policy dampening capital inflows and inhibiting the free circulation of funds through the global economy is undesirable (Monk 2009, 452). Though a skeptical attitude toward open capital markets remains in a number of countries, as Truman concludes, “We may not in all cases be comfortable with the consequences of the free flow of finance and investment either internally or across borders, but on balance it promotes competition and efficiency (Monk 2009, 46).”

Given the positive aspects associated with global investment, policymak-

ing bodies have focused primarily on developing ‘best practices’ for SWFs, rather than on strict legislation impeding investment. In 2008, a group of countries participating in the International Working Group of Sovereign Wealth Funds solidified 24 generally accepted principles and practices centering upon transparency, good governance, and accountability known as the Santiago Principles. These principles are, however, entirely voluntary and are without compliance mechanisms. Further, thirty-four states belonging to the Organization for Economic Cooperation and Development (OECD), along with twelve non-member states, signed an agreement to apply equitable and fair treatment to foreign firms operating and investing in their territories (Masters and McBride 2018). National security exemptions may be granted; however, in the case of investment in ‘critical infrastructure (Masters and McBride 2018).’ This commitment is also nonbinding.

In the U.S., the review and regulation of foreign investment began in earnest with the creation of the interagency CFIUS in 1975 by President Gerald Ford authorized to review foreign investments. CFIUS has since been strengthened several times, with the 1988 passage of the Exon-Florio amendment to the 1950 Defense Production Act, and most recently in 2018 with the passage of the Foreign Investment Risk Review Act (FIRRMA) in the face of intensifying Chinese investment (Jalinous 2018). The latter drastically boosted the mandate of CFIUS by expanding its purview to transactions beyond simply those seeking a controlling stake in American firms (“Impact of CFIUS Reform On Private Equity Transactions” 2018). Particularly now, given its broadened mandate, CFIUS is well-positioned to block investments capable of affecting U.S. security (Truman 2014, 43). The CFIUS investment review criteria included in Section V, as well as additional provisions allowing for the discretion of senior U.S. government officials, grant the committee considerable purview, thus providing the U.S. with an effective safeguard against threatening foreign investment. Moving forward, it will be important to continue the policy of careful evaluation by CFIUS while avoiding indiscriminate protectionism.

## STRUCTURAL CONCERNS SURROUNDING SOVEREIGN WEALTH FUNDS

*“When the government becomes both referee and player, the game changes rather dramatically for every other participant (Cox 2007).”*

—*Christopher Cox, Former Chairman of the U.S. SEC*

The rapid proliferation of SWFs began in 2000, with most funds created after 2005 (Balding 2012, 21). Today, assets held by SWFs are highly concentrated with the largest ten SWFs accounting for 70 percent of global SWF assets under management (Truman 2014, 11). The largest of global SWFs, Norway’s Global Government Pension Fund (GPGF), holds assets valued in excess of \$1 trillion (Harris 2017). The Abu Dhabi Investment Authority and CIC, of the Emirate of Abu Dhabi and the People’s Republic of China respectively, are not far behind,

with assets under management of around \$800 billion each (Harris 2017). It is useful to note, however, that SWFs account for only a small fraction of global financial flows, with global wealth estimated in excess of \$317 trillion (McIntyre 2018). But even given the small relative amount of capital moved by SWFs, several factors surrounding their evolution and governance are a possible cause for concern.

Both characteristics of funds themselves and capabilities associated with the capital they wield have led to questions surrounding political implications. First, the investment practices and corporate governance structure of many SWFs are opaque. A GAO report found that only four SWFs out of 48 surveyed reported detailed information about all investments, while the home nations of others expressly prohibit the release of such information (Government Accountability Office 2008). This lack of transparency has raised concerns pertaining to accountability. Without disclosure of corporate governance structure, it is impossible to rule out political control over investment decisions. Fund governance models vary according to the political institutions of the home country, with certain models preventing perceptions of legitimacy (Lavelle 2017, 188; Nacvalovaite 2014, 271). Further, because governments own SWFs, shareholder accountability is less of a limiting factor (Blackwill and Harris 2017, 57). Another consideration is the balance of power between the SWF's home country and the target country of investment (Balding 2012, 81). An imbalanced power relationship, for instance, may increase the "political sensitivity" of a target country investment (Balding 2012, 81). The size of a proposed investment, too, could raise alarms. As mentioned previously, however, most funds prefer minority to majority stakes, perhaps given that the purchase of a controlling stake in a company producing technology sensitive to national security, for example, would face significant pushback in most countries investment (Balding 2012, 81).

With regard to global trends, the redistribution of wealth away from Western countries to states that did not previously wield significant global economic influence and are perceived to have different values implies potential conflicts in interest (Truman 2014, 2). The Western financial institutions that had dominated the global financial system are witnessing a shift in the system, with "capital flowing 'uphill' from emerging to mature economies (Gieve 2008, 451)." It has even been postulated that large emerging economies, including China, Brazil, India, and China, could form a coalition imperiling the liberal economic order (Nölke and et al. 2014, 450). Today's rising economic powers had a minimal role in shaping the world's financial institutions, and thus may be perceived by leaders in mature industrial countries as having little stake in the continued health of these institutions. While acknowledging these concerns, however, it is also possible to recognize the benefits conferred upon the global financial system by SWFs. Investment abroad "spreads financial capital, know-how, and technology...It helps the world economy adjust to imbalances and gives countries, particularly those from emerging markets, a stake in each other's prosperity and capitalism's future (Lavelle 2017, 188)." In addition, the economic ties cultivated by SWF investments abroad can strengthen relations by providing the investing country with a stake in the target's future success (Plotkin

2018, 89). A full accounting of these benefits suggests that despite concerns relating to SWFs, overly protectionist regulation should be avoided to the degree possible.

## THE PURSUIT OF POLITICAL OBJECTIVES THROUGH SWFs

*“For even if a SWF does not invest on the basis of political motivations today, that does not mean that it will not (or cannot) do so tomorrow (Lenihan 2014, 228).”*

*—Ashley Thomas Lenihan, Senior Fellow with the Institute for Law, Science, & Global Security at Georgetown University*

By definition, SWFs invest large amounts of capital abroad. Whether or not these investments serve exclusively economic purposes may depend on the fund. In December 2013, Russia gave Ukraine a \$15 billion bailout package to prevent the country from descending into economic crisis. The deal, reached through talks between high-level Russian and Ukrainian officials, was not without controversy. Observers widely consider Russia to have acted to keep Ukraine firmly within its political orbit (Blackwill 2017, 55). Ukrainian President Viktor Yanukovich also faced intense scrutiny and was accused of “selling” Ukraine to the highest bidder after rejecting a European Union trade deal (“Russia Throws Ukraine \$15 Billion Lifeline” 2013). To pay for the package, Russia had diverted one-sixth of assets under management by its SWF, the National Welfare Fund (Blackwill 2017, 55).

Exercising economic influence to achieve political objectives is not a new method of statecraft. Countries have long imposed sanctions and implemented carefully measured trade policy to regulate the behavior of another state or push a political situation toward the favored outcome. As with the case of Russia and Ukraine, SWFs represent a new mechanism through which a state may use financial capital to buy power or influence. There exist a number of means by which SWFs may do so. Within the U.S., concerns center upon the access that may be afforded to an SWF and by extension, the country of ownership, through an investment. The Committee on Foreign Investment in the United States (CFIUS) provides a useful framework outlining areas in which foreign investment, including by SWFs, may pose a threat to U.S. security:

- (1) “domestic production needed for national defense requirements;”
- (2) “the capability and capacity of domestic industries to meet national defense requirements,” such as human resources, technology, and other supplies;
- (3) “a foreign person’s control of domestic industries and commercial activity on the capability and capacity of the United States to meet the requirements of national security;”
- (4) “U.S. international technological leadership in areas affecting U.S. national security;”
- (5) “the long-term projection of U.S. requirements for sources of energy and other critical resources and material;”
- (6)

“U.S. critical infrastructure, including [physical infrastructure such as] major energy assets;” (7) “sales of military goods, equipment, or technology to countries that present concerns related to terrorism; missile proliferation; chemical, biological, or nuclear weapons proliferation; or regional military threats;” and (8) “transshipment or diversion of technologies with military applications, including the relevant country’s export control system (Tipler 2014, 1241).”

While these criteria are certainly wide-ranging, domestic investment is not the sole mechanism by which SWFs can threaten U.S. interests. The mobilization of capital by SWFs can, in theory, affect U.S. interests abroad in three primary additional ways: economic balancing, coercion, and as an impediment to democracy promotion. First, SWFs can be used for the purpose of economic balancing against the U.S. or its allies. The relative size of a nation’s economy is directly linked to measures of both soft and hard power and, according to realist theory, states are focused on the relative power distribution within the international sphere. Profit-maximization behavior by SWFs should therefore not be viewed as fully distinct from the pursuit of political influence. Attempts to rebalance the global power distribution are more likely to emphasize economic capacity in today’s environment, in which the likelihood of major power war is exceedingly low (Lenihan 2014, 238).

Balancing can take on both direct and indirect forms. According to Kirshner, direct economic balancing can be attempted through SWF investment in three ways: currency manipulation, monetary dependence, and systemic disruption (Kirshner 2009, 308). In addition, SWFs can also be employed to grow relative economic power less directly through the pursuit of long-term domestic economic capacity, the strengthening of state-owned enterprises, or the capture of natural resources (Lenihan 2014, 240). These three methods are not necessarily indicative of attempts at balancing, but may be considered so in cases where SWF investments in a country grow that nation’s dependence upon the investing country, thereby altering the balance of power (Lenihan 2014, 247).

Several factors, however, weaken the theoretical ability of SWFs to engage in balancing, rendering active attempts through currency manipulation, monetary dependence, and systemic disruption improbable (Kirshner 2009, 308). First, while some relative gains are possible through SWFs, their size compared with that of the global economy make it unlikely that investment by an SWF could tip the scales of global economic power distribution and trigger systemic disruption. This argument also applies to monetary dependence and the less direct possible forms of balancing. SWF investments are not typically large enough to pose a serious threat, create dependency, or allow one state to pull ahead of the pack.

The SWFs of China, heavily invested in American assets, provide a useful hypothetical in analyzing the possible threat of balancing through currency manipulation. As the “largest banker” of the U.S., China owns roughly 28 percent of American debt, which some fear constitutes substantial leverage (Amadeo 2019). In

theory, a complete unwinding of China's U.S. debt holdings could severely weaken the dollar, leading other nations holding treasuries to sell. In practice, this approach would only backfire. As Kirshner writes, currency manipulation is likely to "result in widespread rather than targeted distress and will not put pressure on the target government unless it is quite severe (Kirshner 2009, 309)." Further, as most Chinese treasury holdings reside within state banks, Chinese SWFs do not comprise a significant enough proportion of treasury ownership to bring about such an effect (Setser 2018). On the whole, balancing concerns thus appear to be unwarranted.

Secondly, capital invested by SWFs may serve as a tool of coercion, whether explicit or otherwise. Both the promise of investment upon fulfillment of conditions and the threat of divestment have been used by a number of SWFs to achieve political objectives. In early 2008, Muammar el-Qaddafi, the Prime Minister of Libya, threatened to divest the Libyan SWF from any African state that opposed his desire to strengthen the African Union (Drezner 2008, 121). It is unclear whether Qaddafi's statement yielded political results, but the threat of withdrawal of Libyan capital from other nations by a political leader is indicative, at least in the case of Libya, that political considerations can hold sway over the investment decisions of SWFs.

In contrast to Qaddafi's threats, China's investment in Sub-Saharan Africa has taken on a number of forms, both overtly and implicitly coercive. Chinese development aid, private equity, and investment in infrastructure projects and resource extraction have been embraced by African nations as an attractive alternative to tied aid by Western players, including the U.S. Unlike Western investors wary of doing business on the African continent, Chinese investors are rapidly deploying capital to the region as a result of the nation's 'Going Out' policy and Belt and Road Initiative (Shinn 2012, 6). China has since been accused of exchanging investment for the implicit political support of the 54 African nations in forums like the United Nations. And indeed, scholars researching the matter discovered a correlation between Chinese investment in African states and their likelihood of casting votes in the UN General Assembly in China's favor (Dreher 2015). Chinese FDI has taken on a far less subtle role in bringing China's political influence to bear: its inflow is predicated on explicit recognition of the One China policy (Blackwill 2017, 56). Only five years after China first invested in the continent, the number of African states recognizing Taiwan had fallen from thirteen to four (Blackwill 2017, 56). SWFs are only one component of Chinese investment in Africa, yet their potential influence should be of concern to the U.S., particularly given that it typically stands on the side opposite China on matters put to a UN vote.

Finally, Daniel Drezner raises a possible second-order effect of SWFs: the impaired development of democracy. He writes that "these investment vehicles aid and abet the persistence of 'rentier states,' governments that do not need their citizens to raise revenue (Drezner 2008, 125)." In such a scenario, particularly conceivable within the oil-rich Gulf states traditionally governed by monarchical political systems, an abundance of resources concentrated in the hands of the ruling apparatus leaves little room for the advancement of democratic ideals. Though the U.S. has in recent years begun to pull back from interference in the affairs of for-

ign governments, it has historically supported the growth of democracy around the world. That SWFs bolster the position of undemocratic governments in some states is, therefore, an important consideration as U.S. foreign policy continues to evolve.

### **ARE ALTERNATIVE GEOECONOMIC MEASURES PREFERABLE TO SWFs?**

Geoconomics, or the “use of economic instruments to promote and defend national interests, and to produce beneficial geopolitical results; and the effects of other nations’ economic actions on a country’s geopolitical goals,” is statecraft without the use of military (Blackwill 2017, 20). Today, geoconomics has in many ways supplanted the use of military force in achieving political objectives (Blackwill 2017, 4). Russia, for example, has in several instances cut off energy to Ukraine in the winter to exert control over Kiev (Blackwill 2017, 4). China has reduced economic benefits to any European government that plays host to the Dalai Lama and restricted imports of Japanese automobiles in protest of Japan’s behavior abroad (Blackwill 2017, 4). As seen in the previous section, SWFs, too, may be employed by states within a framework of economic carrots and sticks. But a critical question is under what circumstances SWFs are better suited to the pursuit of global power and influence than any of the other leading geo-economic instruments specified by Robert Blackwill and Jennifer Harris: trade policy, investment policy, economic and financial sanctions, cyber, aid, financial and monetary policy, and national policy on energy and commodities (Blackwill 2017, 49). If attractive alternatives to the use of SWFs for geopolitical gains exist, the probability that SWFs will be used in this way is reduced.

In a general sense, SWFs are an undesirable geo-economic tool because of their declared nature as institutional investors with predominantly passive positions. To the degree that the advertisement of SWFs as purely commercial bodies detached from government control is false, the ability of SWFs to invest abroad freely diminishes (Lenihan 2014, 237). It is in the interests of SWFs and their governments to build trust with the states in which they wish to invest to avoid protectionist measures. Ashley Lenihan thus makes the convincing argument that states are more likely to use other means of economic influence or coercion abroad in order to shield the reputation of SWFs (Lenihan 2014, 237). More specifically, SWFs are often not as well-suited to winning power abroad as are other geo-economic tools across the items discussed in the previous section, (1) winning access to sensitive technology and infrastructure, (2) balancing, (3) coercion, and (4) the obstruction of democratic development.

In the U.S., the concern surrounding access to sensitive technology and infrastructure is often overstated. CFIUS is extremely well-equipped to block investments that constitute a potential threat. U.S. national security and that of our allies, however, does remain threatened by the growing cyber capabilities of rival nations. Attacks can be launched and go undiscovered for years (Blackwill 2017, 62). Terabytes of data can be stolen and billions in damages incurred (Blackwill 2017, 62). The cyber capacities of China and Russia include the ability to damage critical infrastructure, including power grids and utilities, and to steal information relating to the military from contractors and government agencies (Blackwill 2017, 60–62). Further, though

the U.S. is shielded by CFIUS, the national security-relevant assets of our allies may be protected foreign investment to a lesser degree. It is common for nations to have adopted some form of policy to monitor FDI, but the “elegant mechanism” of CFIUS and concern over foreign investment does not have parallels in all nations in whose security the U.S. takes interest (Plotkin 2018, 91; Marchick and Slaughter 2008, 4).

Turning to balancing efforts, it is unlikely that SWFs could be employed to tip the economic scales between two nations in a meaningful way. Financial and monetary policy, however, is a far more likely tool in balancing attempts, with a number of nations pushing for a lesser role for the dollar abroad. Such policy has historically been a major driver of state power, far beyond the capacity of a single SWF: “ambitious ideological projects and impressive territorial conquests have less enduring influence on the leverage of states than the mobilization and management of capital...National power is fundamentally financial (Blackwill 2017, 74).” A helpful example of the use of monetary policy for balancing purposes is the introduction of the euro in 2001, which joined the nations of the European Union in a largely geopolitical maneuver (Blackwill 2017, 77). And indeed, when Latvia joined the euro zone in 2014, it was viewed as protection against Russia (Blackwill 2017, 77). According to Blackwill and Harris, the global presence of a nation’s currency, its capability to raise funds cheaply, and its capacity to alter another country’s cost of borrowing are the primary drivers behind the effectiveness of that nation’s financial and monetary policy in achieving political objectives (Blackwill 2017, 71). The rising status of the euro and Chinese yuan as the second and third reserve currencies, respectively, thus carries serious geopolitical implications for the U.S. that extend far beyond the capabilities of an SWF.

An examination of the economic coercion of states, both positive and negative, also reveals that SWFs are not necessarily the most efficient or effective vehicle available. As demonstrated by the example of China providing FDI to African nations contingent upon allegiance to the One China Policy, investment by SWFs wielded as an incentive can in some instances carry enough weight to affect political outcomes. But because SWFs are only one slice of the global investment pie, other geoeconomic tools are likely to prove similarly effective. The dispensation of official aid, for one, has produced significant positive coercive effects. Several Gulf states, for example, provided large amounts of economic assistance to Egypt, totaling \$22 billion between 2011 and 2013 (Blackwill 2017, 71). Following Morsi’s downfall in 2013, capital continued to flow, with billions of dollars moving into Egypt from Saudi Arabia, Kuwait, and the UAE for the purpose of bolstering Morsi’s successors. In 2015, the Saudis and Egyptians signed the Cairo Declaration establishing the foundation for both a joint military force and strengthened economic relations and only several months later, Egypt deployed 800 troops to Yemen to fight alongside the Saudis against Houthi rebels (Blackwill 2017, 71). Because SWF investments inevitably retain the trappings of commerciality, it is difficult to imagine their use inspiring such a result.

Negative coercion attempts using SWFs are also unlikely to decidedly alter political outcomes. The threat of divestment, in particular, does not hold significant weight. A study by Beck and Fidora of the instances of 28 separate disinvestments by the Nor-

wegian Government Pension Fund-Global on the basis of its ethical investment principles did not find a significant impact on the companies' stock prices (Truman 2014, 48). Further, the Norwegian GPF's ban on investment in Israeli firms with ties to the construction of settlements, even on the heels of announcements of similar policies by the funds of other nations relating to Israeli banks involved in settlement construction, did not result in significant changes to these institutions' behavior (Johnson 2014).

Once a fund has divested from a company or nation, its leverage is exhausted. Sanctions, on the other hand, are a more targeted and biting mechanism of negative coercion which can be ramped up to increase pressure. Because the successful deployment of sanctions depends on international cooperation and the pervasiveness of the dollar, it is unlikely that the U.S. will see sanctions put in place against it or its allies. But an important point to consider with regard to sanctions is that their use by the U.S. may work counter to American interests. Rival economic powers already seek to undercut the dollar, and Blackwill and Harris point out that the use of sanctions may lead the victims of sanctions to seek alternative currencies. Under sanctions relating to behavior in Ukraine, Russian state-owned energy firm Gazprom sought payment in rubles and yuan, rather than the euros and dollars upon which it had previously depended (Blackwill 2017, 59).

Finally, the role of SWFs in suppressing the development of representative forms of government in some states is deserving of special attention. Rentierism and the idea of a "citizen shareholder" in the Gulf are only one among a number of factors that together perpetuate undemocratic political systems, but as Mick Moore has argued, "the greater the dependence of the state on earned income, the more likely are state-society relations to be characterized by accountability, responsiveness and democracy," and the oil and gas revenue of Gulf states falls squarely within the camp of unearned income (Sandbakken 2006, 136). The phenomenon described by Moore is attributable to three factors outlined by Camilla Sandbakken: the wealth generated by oil reduces the reliance of Gulf states on their populace through taxation, flows directly to the state enabling it to suppress or buy off political dissent, and creates a social structure unfriendly to democracy in which the dependence of the citizenry on the state for financial security can outweigh any desire for regime change (Sandbakken 2006, 137). SWFs were not created with the purpose of bolstering existing political regimes, but they nonetheless provide powerful incentives for regime continuity that are not obviously replicable through any other geoeconomic mechanism.

The cases examined in this section do not serve to determine a clear winner between the use of SWFs and alternative geoeconomic tools. But the examples provided nonetheless suggest that nations with SWFs have ample reason to deploy other means of expanding their political influence abroad. Given that the stated purpose of SWFs is to invest in foreign assets for the purpose of profit generation, to be implicated in geopolitical machinations would be a reputational blow that in turn impairs the ability of SWFs to invest without heavy restrictions. The existence of alternative economic and financial means of pursuing political objectives abroad is additional evidence that the wealth of SWFs need not be wielded in this way. Yet the anti-democratization ef-

facts and potential coercive abilities of some SWFs are noteworthy, and the recurring theme weaved into fears surrounding SWFs is that once in existence, the risk is there.

## CONCLUSION

*“Fortunately, there are more than 200 countries in the world. And, fortunately, there are many countries who are happy with us (Anderlini 2008).”*

*– Gao Xiqing, former president of the China Investment Corporation (CIC)*

The international frameworks created to manage foreign investment lack teeth. There is a delicate balance that must be struck, however, between protectionism and U.S. interventionism on the one hand, and insufficient safeguards on the other. Producing specific policy recommendations for the U.S. and other nations is beyond the scope of this paper, but some existing measures can be said to err too heavily on one side or the other. Individual OECD nations have implemented a large number of exceptions to global investment principles, arguably in violation of the spirit of the agreement. Truman explains, “what is weakly binding and mandatory has many loopholes...national security is a huge loophole in national investment policies through which financial and other forms of protectionism can expand (Truman 2014, 153).”

The U.S., for example, has built restrictions on foreign investment in several sectors on the basis of “essential security” needs, including the unlikely ‘maritime dredging and salvaging (Truman 2014, 153).’ Such measures carry the danger of prompting SWFs to simply take their investments elsewhere, as suggested in the above quote from Gao Xiqing of the CIC, an outcome both unnecessary and undesirable. Conversely, the Qatari SWF, the Qatar Investment Authority, has been repeatedly accused of violating the Santiago Principles, with a GeoEconomica report concluding that “Qatar’s foreign policy interests have strongly informed Qatari sovereign wealth management (Blackwill 2017, 59).” Without any multilateral enforcement mechanisms in place, the Qatari fund was able to continue earning nearly 17 percent in annual returns without any political ramifications (Blackwill 2017, 59).

Addressing geoeconomic risk is no straightforward task. As discussed in previous sections, SWFs are only one among several methods available to rival nations. Access to sensitive assets may also be achieved through cyber-attacks and infiltration, economic balancing can be undertaken using monetary and financial policy, and coercion can be attempted with the dispensation of aid, carefully crafted trade policy, and targeted sanctions. Democratization may also be forestalled through other means of political repression. A complete answer to the question of how the U.S. should respond to such threats rests upon the trajectory of U.S. foreign policy. Sufficient domestic measures exist to protect against national security threats posed by SWFs. But the degree to which the U.S. intervenes in, or counters, geoeconomic efforts by SWFs elsewhere ought to

be determined in line with the responsibilities the nation assumes abroad. Only after the U.S. decides whether to continue to embrace an active role overseas can a coherent and effective strategy toward politically-motivated investment by SWFs be crafted.

## **WORKS CITED**

---

- Amadeo, Kimberly. 2019. "How Much Does the US Owe China?" *The Balance Small Business*. 25 February. [www.thebalance.com/u-s-debt-to-china-how-much-does-it-own-3306355](http://www.thebalance.com/u-s-debt-to-china-how-much-does-it-own-3306355).
- Anderlini, Jamil. 2008. "China Funds Shuns Guns and Gambling" *Financial Times*. Accessed at: [www.ft.com/content/be5ac0e2-3971-11dd-90d7-0000779fd2ac](http://www.ft.com/content/be5ac0e2-3971-11dd-90d7-0000779fd2ac).
- Balding, Christopher. 2012. "Sovereign Wealth Funds: The New Intersection of Money and Politics."
- Blackwill, Robert D. and Jennifer M. Harris. 2017. *War by Other Means: Geoeconomics and Statecraft*. Cambridge: The Belknap Press of Harvard University Press.
- Cohen, Benjamin J. 2009. "Sovereign Wealth Funds and National Security: The Great Tradeoff." *International Affairs* 85, no. 4: 713–731. <https://doi.org/10.1111/j.1468-2346.2009.00824.x>.
- Cox, Christopher. 2007. "Speech by SEC Chairman: The Rise of Sovereign Business." *U.S. Securities and Exchange Commission*. [www.sec.gov/news/speech/2007/spch120507cc.htm](http://www.sec.gov/news/speech/2007/spch120507cc.htm).
- Dreher, Axel, et al. 2015. "Apples and Dragon Fruits: The Determinants of Aid and Other Forms of State Financing from China to Africa." *AidData*, Working Paper 15.
- Drezner, Daniel W. 2008. "Sovereign Wealth Funds and the (In)Security of Global Finance." *Journal of International Affairs* 62, no. 1: 115–130. [www.jstor.org/stable/24358148](http://www.jstor.org/stable/24358148).
- Fotak, Veljko, et al. 2017. "A Financial Force to be Reckoned With? An Overview of Sovereign Wealth Funds." *The Oxford Handbook of Sovereign Wealth Funds*. Oxford, UK: Oxford University Press: 16–62.
- Gieve, John. 2008. "Speech by Sir John Gieve, Deputy Governor of the Bank of England," *Sovereign Wealth Management Conference*, London: UK.
- Government Accountability Office. 2008. "Sovereign Wealth Funds: Publicly Available Data on Sizes and Investments for Some Funds Are Limited." *Report to the Committee on Banking, Housing, and Urban Affairs, U.S. Senate*. [www.gao.gov/products/GAO-08-946](http://www.gao.gov/products/GAO-08-946).
- Harris, Briony. 2017. "What Is a Sovereign Wealth Fund?" *World Economic Forum*. [www.weforum.org/agenda/2017/10/what-you-need-to-know-about-sovereign-wealth-funds/](http://www.weforum.org/agenda/2017/10/what-you-need-to-know-about-sovereign-wealth-funds/).
- Jalinous, Farhad et al. 2018. "CFIUS Reform Becomes Law: What FIRRMA Means for Industry." *White & Case*. [www.whitecase.com/publications/alert/cfius-reform-becomes-law-what-firma-means-industry](http://www.whitecase.com/publications/alert/cfius-reform-becomes-law-what-firma-means-industry).
- Johnson, Steve. 2014. "Norway's Sovereign Wealth Fund Joins Exodus from Israel." *Financial Times*. [www.ft.com/content/53d00268-8a89-11e3-ba54-00144feab7de](http://www.ft.com/content/53d00268-8a89-11e3-ba54-00144feab7de).

- Kirshner, Jonathan. 2009. "Sovereign Wealth Funds and National Security: The Dog That Will Refuse to Bark." *Geopolitics* 14, no. 2: 305–316. <https://doi:10.1080/14650040902827765>.
- Lavelle, Kathryn C. 2017. "Sovereign Wealth Funds and Foreign Policy." *The Oxford Handbook of Sovereign Wealth Funds*. Oxford, UK: Oxford University Press: 182–207.
- Lenihan, Ashley T. "Sovereign Wealth Funds and the Acquisition of Power." *New Political Economy* 19, no. 2, 29 Apr. 2014, pp. 227–257., [www.tandfonline.com/doi/abs/10.1080/13563467.2013.779650](http://www.tandfonline.com/doi/abs/10.1080/13563467.2013.779650).
- Masters, Jonathan, and James McBride. 2018. "Foreign Investment and U.S. National Security." *Council on Foreign Relations*. [www.cfr.org/background/foreign-investment-and-us-national-security](http://www.cfr.org/background/foreign-investment-and-us-national-security).
- Monk, Ashby H. B. 2009. "Recasting the Sovereign Wealth Fund Debate: Trust, Legitimacy, and Governance." *New Political Economy* 14, no. 4: 451–468. <https://doi:10.2139/ssrn.1134862>.
- n.a. 2013. "Russia Throws Ukraine \$15 Billion Lifeline." *CNBC*. [www.cnbc.com/2013/12/17/russia-reaches-deal-with-ukraine-on-15-billion-bailout.html](http://www.cnbc.com/2013/12/17/russia-reaches-deal-with-ukraine-on-15-billion-bailout.html).
- n.a. 2018. "Impact of CFIUS Reform On Private Equity Transactions." *Winston & Strawn LLP*. [www.winston.com/en/thought-leadership/impact-of-cfius-reform-on-private-equity-transactions.html](http://www.winston.com/en/thought-leadership/impact-of-cfius-reform-on-private-equity-transactions.html).
- Nacvalovaite, Ana. 2014. "Book Review: Sovereign Wealth Funds: Legitimacy, Governance and Global Power." *International Review of Applied Economics* 28, no. 2: 270–272. <https://doi:https://doi.org/10.1080/02692171.2013.839504>.
- Nölke, Andreas, et al. 2014. "Domestic Structures, Foreign Economic Policies and Global Economic Order: Implications from the Rise of Large Emerging Economies." *European Journal of International Relations* 21, no. 3: 538–567. <https://doi:10.1177/1354066114553682>.
- Plotkin, Mark E. 2018. "Foreign Direct Investment by Sovereign Wealth Funds: Using the Market and the Committee on Foreign Investment in the United States Together to Make the United States More Secure." 118 *The Yale Law Journal Pocket Part* 88. <http://thepocketpart.org/2008/11/17/plotkin.html>.
- Sandbakken, Camilla. 2006. "The Limits to Democracy Posed by Oil Rentier States: The Cases of Algeria, Nigeria and Libya." *Democratization* 13, no. 1: 135–152. <https://doi:10.1080/13510340500378464>.
- Shinn, David, and Joshua Eisenman. 2012. *China and Africa: A Century of Engagement*. Philadelphia: University of Pennsylvania Press.
- Marchick, David M., and Matthew J. Slaughter. 2008. "Global FDI Policy: Correcting a Protectionist Drift." *Council on Foreign Relations*. <https://www.cfr.org/report/global-fdi-policy>.
- McIntyre, Douglas A. 2018. "Global Wealth Soars to \$317 Trillion in 2018; U.S. Share of It Is Largest at \$98 Trillion." *USA Today*. [www.usatoday.com/story/money/economy/2018/10/18/global-wealth-317-trillion-us-share-98-trillion/38195375/](http://www.usatoday.com/story/money/economy/2018/10/18/global-wealth-317-trillion-us-share-98-trillion/38195375/).

- Setser, Brad W. 2018. "A Few Words on China's Holdings of U.S. Bonds." *Council on Foreign Relations*. [www.cfr.org/blog/few-words-chinas-holdings-us-bonds](http://www.cfr.org/blog/few-words-chinas-holdings-us-bonds).
- Tipler, Christopher M. 2014. "Defining 'National Security: Resolving Ambiguity in the CFIUS Regulations." *University of Pennsylvania Journal of International Law* 35, no. 4: 1223–1284. <https://www.scholarship.law.upenn.edu/cgi/viewcontent.cgi?article=1883&context=jil>.
- Truman, Edwin. 2014 "Sovereign Wealth Funds Threat or Salvation?" *Peterson Institute for International Economics*.
- Wang, Jin. 2013. "The Economic Impact of Special Economic Zones: Evidence from Chinese Municipalities." *Journal of Development Economics* 101: 133–147. <https://doi.org/10.1016/j.jdeveco.2012.10.009>.

## **A NEOFUNCTIONALIST APPROACH TO U.S. FOREIGN POLICY IN NORTH KOREA: WHY THE UNITED STATES SHOULD PRIORITIZE NORTH KOREAN INTEGRATION OVER DENUCLEARIZATION**

Kevin Xiao

Since North Korea began testing intercontinental ballistic missiles, American officials have discussed numerous methods to resolve Korea's nuclear problem. Proposed engagement strategies, most of which prioritize denuclearization in North Korea, include diplomatic negotiations, military engagement, and economic pressure through increased sanctions. This paper will argue that denuclearization should be a secondary objective; achieving a North Korea integrated into international institutions and the world economy would most effectively ensure the United States' security interests. Functionalism successfully guided the reconstruction of post-World War II Europe, increasing both regional stability and economic wellbeing. The United States can help North Korea follow a similar path by supporting its entry into the global market and world organizations. Given the low likelihood of eliminating North Korea's nuclear arsenal, an integrated North Korea would best maintain peace and stability in East Asia.

### **INTRODUCTION**

The Doomsday Clock reads two minutes to midnight (Mecklin 2018). Established in 1945 by prominent members of the Manhattan Project, such as Robert Oppenheimer and Albert Einstein, the Bulletin of the Atomic Scientists releases an annual diagnosis of progressions and regressions in relations between nuclear states. This year, the hands of the clock are as close to midnight as they have ever been, partly because of uncertainty on the Korean Peninsula (Mecklin 2018). Western media and the American public have long perceived the North Korean government as intentionally belligerent and woefully irrational. U.S. presidents have only encouraged this perspective of the East Asian country. In President Bush's 2002 State of the Union address, he condemned North Korea as part of the "axis of evil" (Bush 2002). President Trump has described Kim Jong-Un as a "madman" (Roy 2017). Contemporary scholars, however, have reached a different conclusion about decision-making under the military regime in Pyongyang; they believe that the North Korean government acts rationally in order to preserve the interests and security of the military regime and, to a lesser extent, the state (Roy 2017, 2–3). Assuming Pyongyang's rationality, how should the United States deal with the government in Pyongyang in a way that best preserves regional stability? There are three existing U.S. engagement strategies on the Korean Peninsula: economic pressure, military posturing, and diplomacy—in the forms that they have been proposed and implemented within the United States, all three strive for denuclearization on the Korean Peninsula.

In this essay, I will assert that prioritizing denuclearization is misguided – by analyzing the strengths and weaknesses of each of the denuclearization strategies. I will argue for a fourth engagement strategy: the systematic integration of North Korea into

the world, regardless of its commitment to denuclearization. Given the low likelihood of eliminating North Korea's nuclear arsenal, a neofunctionalist approach to U.S. foreign policy with North Korea would best maintain peace and stability in East Asia.

I will begin this essay by utilizing deterrence theory to prove that nuclear proliferation is not necessarily bad and to establish an impact as to why the United States cannot become complacent under the status quo. Subsequently, I will establish an overarching argument against the feasibility of denuclearization in North Korea. Next, I will refute individual arguments for each of the three denuclearization strategies: economic pressure, military posturing, and diplomacy. Lastly, I will lay out the framework of a neofunctionalist approach to North Korea by discussing its advantages and analyzing its effects in China in the 1990s and early 2000s.

### **DETERRENCE THEORY'S APPLICATIONS TO THE NORTH KOREAN DILEMMA**

Deterrence theory, as it applies to thermonuclear threats, suggests that rational state actors in possession of nuclear weapons will avoid engaging in conflicts with other nuclear states, unless under extreme pressure (Achen and Snidal 1989, 151-152). The theory held true during the Cold War, in which the Soviet Union and the United States refrained from direct conflict with each other even through periods of significant tension. Likewise, deterrence theory can be applied to North Korea. I have asserted that North Korea is a rational actor that prioritizes regime security—assuming the North Korean regime isn't suicidal, Pyongyang understands that any use of nuclear weapons against a foreign adversary would result in a fiery multilateral response by a joint coalition of countries, as well as the possibility of nuclear retaliation (Roy 2017, 7). Kenneth Waltz adds that "The catastrophic nature of nuclear weapon detonations actually bolsters the deterrence relationship between nuclear-armed states" (Choi and Bae 2016, 813). Nuclear countries in conflict—like the United States and the Soviet Union during the Cold War and present-day Pakistan and India—have coexisted without needing to use nuclear weapons against each other, despite tensions and strict ideological differences.

### **A NUCLEAR NORTH KOREA IS NOT NECESSARILY DANGEROUS—UNLESS ITS SECURITY IS IN QUESTION**

A question arises from the deterrence theory: if nuclear deterrence is such a significant stabilizing force, why does the United States need to change anything about the status quo? The dangers lie in uncertainties. In other words, North Korea will refrain from using its nuclear weapons unless it perceives a threat from an insurmountable foreign adversary. For example, if the regime believes that foreign countries are plotting to overthrow its government, it may lash out militarily, possibly deploying nuclear weapons (Choi and Bae 2016, 818). On the other hand, if the regime begins to succumb to extreme economic pressures, it may also threaten to use nuclear weapons against countries instituting sanctions against it (Choi and Bae 2016, 818). The most prudent method of dealing with North Korea, therefore, involves mutual assurances of nonaggression and the establishment of channels of direct communication between North Korea and the rest of the world.

## **DENUCLEARIZING NORTH KOREA IS INFEASIBLE**

To prove the infeasibility of denuclearizing North Korea, I must first establish a distinction between the North Korean government and the North Korean state; while the interests of the North Korean military regime and the interests of North Korean citizens relate to each other, the government has demonstrated a clear preference for preserving the interests of the regime over those of the state when they conflict. Although Chairman Kim has implemented reforms to improve North Korea's economy by initiating a shift towards modest privatization of industry, those reforms are directed towards his paramount objective of regime security (Delury 2017). Given the importance of regime security to Kim Jong-Un's government and given North Korea's inability to defend itself against either South Korea or the United States through conventional forces, rationality dictates that Pyongyang would strive for an alternative security mechanism; that mechanism is nuclearization. Denny Roy explains that North Korea's "nuclear-weapons capability addresses the regime's two primary security concerns": increasing governmental legitimacy internally and deterring attacks from foreign adversaries externally (Roy 2017, 3). David Kang argues that "North Korea has always sought to deter the United States and has viewed the United States as belligerent. Thus, the nuclear program is consistent with the North Korean government's attempts to provide for its own security (Cha and Kang 2004, 245). North Korea suffered heavy losses during the U.S.-led counter attack in the Korean War. Isolated from the international community for seven decades and bordering a highly-developed, hostile force to the south, Pyongyang views nuclear weapons as a necessary deterrence against its more advanced foreign adversaries. Whether its fears are warranted is irrelevant—Pyongyang's perceptions guide its decision-making process. Therefore, seeking denuclearization in North Korea is infeasible because the U.S. government cannot offer an alternative to nuclear deterrence that will guarantee the same level of regime security.

## **ECONOMIC PRESSURE WILL NOT FORCE NORTH KOREA TO SURRENDER ITS NUCLEAR WEAPONS**

Despite Chinese opposition against sanctions that may undermine the stability of Kim Jong-Un's regime, the United States has upheld some level of economic sanctions against North Korea since the end of the Cold War. These sanctions have played a major part in discouraging trade between the United States and North Korea and have contributed to the impoverishment of the North Korean state (Kim and Martin-Hermosillo 2013, 101). But stricter U.S. sanctions, even those instituted in conjunction with the UN, are unlikely to convince the regime to denuclearize. First, trade with China and South Korea will greatly relieve any economic pressure from UN sanctions—after all, China accounts for 90 percent of North Korean trade volume (Albert 2018). And China is not the only state that has a vested interest in North Korean stability; South Korea has recently revitalized relationships with North Korea, vowing to work in good faith towards the reunification of the two Korean states. Although Seoul continues to support existing sanctions in some capacity, increasing sanctions at this critical juncture in negotiations between the two Koreas

would work against President Moon Jae-In's diplomatic progress (Radio Free Asia 2018). Therefore, increasing sanctions would alienate both Beijing and Seoul and have an insufficient effect on the state of the North Korean economy. Remember also the distinction between the North Korean state and the North Korean regime; even if sanctions may hurt the state, Pyongyang has long prioritized its own security and nuclear capabilities over the welfare of North Korean citizens (Roy 2017, 2). In summary, UN or U.S. sanctions fail on two counts. First, if the sanctions have little effect on the North Korean economy, the United States will only alienate China, South Korea, and North Korea, preventing the U.S. from playing a significant role in a diplomatic solution. Second, any pressure the sanctions do place on North Korea's economy will fall primarily upon the shoulders of North Korean citizens rather than the regime itself (Kim and Martin-Hermosillo 2013, 101). Therefore, it is unlikely that further UN sanctions against North Korea will advance the United States' interests.

### **REFUTING THE ARGUMENT THAT CHINA WILL HELP DENUCLEARIZE NORTH KOREA**

While U.S. sanctions have had little success in turning the tide against nuclearization in North Korea, scholars have suggested that convincing China to implement tougher sanctions may achieve better results. China remains North Korea's closest ally, as well as its largest trading partner (Song 2011, 1135). As of 2017, China accounted for 90 percent of North Korea's trade volume and has provided a significant amount of foreign aid to North Korea (Albert 2018). In addition, China's government has indicated a clear desire for nuclear nonproliferation in Asia. In 2006, Beijing condemned North Korea and worked with other countries to punish Pyongyang for pursuing nuclear weapons (Song 2011, 1134). China has also advocated for the resumption of the Six Party Talks, discussions between China, the United States, North and South Korea, Russia, and Japan that sought to denuclearize North Korea (Albert 2018). Considering China has both an apparent ability and an apparent incentive to pressure North Korea into denuclearization, scholars have argued that denuclearization remains a possibility if China contributes.

But why hasn't China applied stricter sanctions against North Korea? China's foreign policy towards North Korea involves a careful calculus of balancing Beijing's desire that China remains the only nuclear power in East Asia and its desire that North Korea remains an independent state (Song 2011, 1139–1140). In the past, China has blocked the most severe sanctions suggested at United Nations Security Council meetings in order to avoid "placing Pyongyang under pressure strong enough [to] indirectly topple the regime" (Roy 2017, 6). Beijing has two primary reasons to fear the collapse of the North Korean government. First, North Korea's collapse might lead to reunification of the Korean Peninsula and place South Korea, a strong U.S. ally hosting American military bases, on China's borders; and second, North Korea's nuclear weapons would be unaccounted for in the resulting disorder of a power vacuum (Roy 2017, 6). Therefore, Beijing values preserving North Korean stability over denuclearization and would oppose instituting severe sanctions on North Korea.

Sanctions have historically failed and will continue to fail in North Korea. De-

spite seventy years of international sanctions and economic isolation, the North Korean regime has continued to pursue nuclear weapons while engaging in illicit activities like selling nuclear technology to Egypt, Iran, Syria, Iran, and Yemen to bolster its economy (Chung 2016, 107). As long as Kim Jong-Un believes that nuclear weapons will ensure regime security, economic sanctions will only alienate the North Korean leader and escalate tensions between the nuclear powers (Kim and Martin-Hermosillo 2013, 106).

## **THE DANGERS OF MILITARY POSTURING ON THE KOREAN PENINSULA**

There are two methods of military engagement in North Korea. The first involves direct warfare through either military strikes or total warfare. Since North Korea first obtained nuclear capabilities in 2006, very few scholars still support this route. As Kenny Roy puts it, “opting for a preventive total war would be a perverse choice given that avoiding a terrible, costly conflict is the reason the international community is trying to get North Korea to de-nuclearize.” Because of the overwhelming consensus on the low payoffs and high risks of war in North Korea, I will focus on the second method: “hawk engagement.”

### **ANALYZING THE POTENTIAL RISKS AND WEAKNESSES OF “HAWK ENGAGEMENT”**

Supporters of “hawk engagement” argue that denuclearization can be best obtained by putting military pressure on North Korea. While this method contains aspects of economic pressure as well, its emphasis on military posturing differentiates it from other engagement strategies. Victor Cha, the scholar who coined the term, calls for a strategy of “malign neglect:” “The United States and its allies would maintain vigilant containment of the regime’s military threat and would intercept any vessels suspected of carrying nuclear- or missile-related materials in and out of the north” (Cha and Kang 2004, 251). He continues his description by detailing various methods in which the United States would develop more “long-range, deep-strike capabilities” in hopes that such militarization would pressure Pyongyang into increasing its own militarization as well (Cha and Kang 2004, 251). The strategy follows along the lines of Reagan’s Soviet Union strategy; Cha hopes to strain North Korea’s budget by forcing the country to militarize in response to the United States’ provocations. Eventually, he expects North Korea’s economic woes will force the country to collapse, much like the Soviet Union did in 1991 following decades of military pressure by the United States.

There are three main problems with Cha’s proposal: (1) Cha relies heavily on China to do nothing as the United States suffocates North Korea to death, (2) the U.S. needs South Korea’s cooperation to carry out “hawk engagement,” and (3) North Korea may retaliate militarily. The first issue has already been addressed; Beijing values North Korean sovereignty and stability highly. The Chinese government, therefore, will not participate or agree to extreme U.S. military pressure on North Korea, especially if the final objective is the collapse of the North Korean regime. Second, the United States can only exert significant military pressure on North Korea with Seoul’s agreement; without Seoul, the U.S. cannot send more American troops to the Korean Peninsula or conduct more joint military exercises with the South Korean military.

President Moon's Chief of Staff Im Jong-seok expects talks to "fundamentally remove the danger of armed clashes and ease fears of war" (Kim 2018). Im Jong-Seok's hopes are in line with President Moon's agenda, which prioritizes good faith negotiations with North Korea rather than escalation of tensions; therefore, it is unlikely that Seoul will agree to a greater U.S. military presence in South Korea. Third, as Cha acknowledges, "Pyongyang states clearly that they would consider isolation and sanctions by the United States an act of war" (Cha and Kang 2004, 253). "Hawk engagement" has the potential to provoke military conflicts—possibly nuclear war—between North Korea and the United States. Cha responds, however, by claiming that "isolation is the least likely strategy to provoke war, inasmuch as the remaining options (including preemptive military strikes) are all much more coercive" (Cha and Kang 2004, 253). In making this assumption, Cha assumes that the available options are "hawk engagement" or a direct military strike, ignoring the possibility of forgoing denuclearization all together. The possibility of nuclear war cannot be ignored; while Cha's strategy may be safer than direct war, it has much higher risks than diplomatic negotiations. It is paramount that the United States pursue the method best suited for fulfilling its interests—regional peace and security—rather than blindly chasing after denuclearization.

## **DIPLOMATIC NEGOTIATIONS SHOULD FOCUS ON NORTH KOREAN INTEGRATION RATHER THAN DENUCLEARIZATION**

The Trump Administration took over the White House office at a critical time in the U.S.-North Korea relationship. Despite President Trump's fiery rants against Kim Jong-Un, the State Department has made headway in peaceful negotiations with North Korea. In June of 2018, President Trump and Chairman Kim met at an unprecedented summit in Singapore. The two sides seem to be finding common ground on certain issues, but the Trump administration has explicitly stated that its priority in peace talks is denuclearization (Rosenfeld and Chandran 2018). In response, Pyongyang has dodged direct answers to the question of denuclearization, declaring that it will need strong guarantees for the long-term security of its regime and the security of its borders (Rosenfeld and Chandran 2018).

## **USING THE SUNSHINE POLICY TO ANALYZE A NEOFUNCTIONALIST APPROACH TO U.S. FOREIGN POLICY IN NORTH KOREA**

Diplomacy like the talks between Trump and Kim is not totally unprecedented. The Sunshine Policy, a functionalist policy adopted by South Korean officials during the Clinton administration, reaped significant successes. North Korean and South Korean leaders met for the first time in history in 2000, and signed a five-clause agreement, paving the first steps towards integration. Following the meeting, the two countries opened dialogues for greater economic cooperation, military officers met to reduce tensions across the demilitarized zone, and families separated since the 1953 Korean War cease-fire were united (Im and Choi 2011, 795). The meeting also had global implications; by 2002, Kim Jong-II, then leader of North Korea, had met with U.S. Secretary of State Madeline Albright and Japanese Prime Minister Koizumi (Kim

2017, 169). North Korea was beginning to emerge from its half century-long period of isolation. But after the Clinton administration left office, the Bush administration dramatically altered U.S. relations with North Korea. In 2002, President Bush condemned North Korea as part of the “axis of evil” in his State of the Union address and North Korea withdrew from the Nuclear Nonproliferation Treaty (Bush 2002). The Six Party Talks in 2003 accomplished little and stalled indefinitely in 2008 (Kim 2017, 167). While promising, these talks were ineffective because they required North Korean denuclearization. Pyongyang has repeatedly demonstrated that it is willing to make major concessions to guarantee regime security: the government has forfeited North Korea’s economic wellbeing, its position in the international order, and its relationship with global powers like the United States and China in its bid for nuclearization. Evidently, the regime believes that nuclear weapons are key to its continued survival. Any attempts to separate the regime from its source of security will require irrefutable assurance of the North Korean government’s future security—given the history of distrust between the two nations, the United States will be hard pressed to convince Pyongyang that North Korea can achieve the same level of security through methods other than nuclear deterrence (Choi and Bae 2016, 820–821). Therefore, if the United States’ prerequisite for real negotiation is denuclearization and North Korea’s prerequisite for negotiation is absolute assurances of security, talks will advance nowhere.

The failures of the Sunshine Policy highlight the necessity for a change in U.S. strategy towards North Korea. It is uncertain when, if ever, the two countries will have as promising a forum to address their mutual concerns. If the Trump Administration continues to single-mindedly pursue denuclearization, North Korea will likely emerge from the summit as a nuclear power, still unintegrated into the world. Markus Bell and Geoffrey Fattig write that “as the risk of war rises, hopes for a diplomatic breakthrough will be dependent on the international community shifting away from strategies that pursue the diplomatic and economic isolation of Pyongyang with denuclearization as the end goal, to measures that encourage the regime to abide by international norms” (Bell and Fattig 2018, 31). Considering the risks posed by a nuclear pariah state with a history of enmity with the United States, Washington should shift its priorities away from the unachievable goal of denuclearization and instead pursue North Korean integration.

## **INTRODUCING A NEOFUNCTIONALIST APPROACH TO U.S. FOREIGN POLICY IN NORTH KOREA**

Neofunctionalism argues that economic and political integration between two states has positive spillovers for both states; essentially, integration in one domain will lead to integration in other domains, promoting mutual benefits (Hwang and Kim 2015, 42). Supporters of a neofunctionalist solution to international issues in North Korea argue for a peaceful solution that results in North Korean integration into international institutions and economic organizations like the United Nations and the World Trade Organization. However, many current proponents of neofunctionalism in North Korea also believe that denuclearization is a necessary part of the integration process. Hazel Smith explains this phenomenon—obsession with denuclearization—

by arguing that policy dealing with North Korea has become “securitized” (Smith 2000, 594). Smith claims that because the public perceives North Korea as “bad” and “mad” (belligerent and irrational), economic, welfare, and humanitarian issues have given way to the elephant in the room: the nuclear issue (Smith 2000, 612-613). The United States, when formulating its grand strategy for engagement, should heed Smith’s evaluation—denuclearization is not the final objective; instead, creating a peaceful, stable East Asia and improving the living conditions of impoverished North Korean citizens better encapsulates what should be the United States’ objectives in North Korea.

### **BENEFITS OF A NEOFUNCTIONALIST APPROACH TO NORTH KOREA: PRIORITIZING PEACE AND STABILITY**

The greatest advantage of a neofunctionalist approach that does not prioritize denuclearization (henceforth known as the *sin* denuclearization approach) is that the United States can initiate the path towards greater dialogue by diffusing one of Pyongyang’s security concerns. The benefits are threefold. First, the success of the strategy is not contingent on the willingness of North Korea to dismantle its nuclear system, the culmination of seven decades of international isolation and the regime’s source of security. Second, taking denuclearization off the hyperbolic table will allow the United States greater freedom to negotiate for its human rights and economic interests in North Korea. Third, the approach directly benefits North Korea economically, while indirectly benefiting the United States and its allies by promoting greater stability in East Asia. Sung Chull Kim and David Kang argue that economic integration produces economic interdependence “in which expanding economic ties between states. . . reduce adversarial relations. An increase in the benefits that the states might receive from crafting good economic relations can alter their overall policy objectives” (Kim and Kang 2009). Such alterations to their policy include further transparency in the states’ relationship with each other, further cooperation in areas of shared interest, and de-escalation of tensions, specifically military conflicts. Yet another positive spillover of economic integration is the possibility of political integration (Hwang and Kim 2015, 42). As North Korea is exposed to the flow of ideas that accompanies the flow of goods across borders, policy will shift towards further privatization of industry, more humane laws, and environmental protections in line with the rest of the world’s laws. Therefore, economic interdependence not only acts as another deterrence against military conflict in East Asia, it also will inevitably lead North Korea towards greater liberalization in areas outside of economic policy. While those who demand denuclearization as a prerequisite for integration (henceforth known as the *pro* denuclearization approach) expect North Korea to make the first step towards regional integration and peace by dismantling its nuclear facilities and nuclear weapons, the *sin* denuclearization approach gives the United States the advantage in terms of pursuing economic, human rights, and environmental interests while also fostering greater global security.

Normalization’s positive impact on issues beyond security cannot be understated—an integrated North Korea may improve its human rights, free trade policies, and liberalize. Markus Bell and Geoffrey Fattig write that “if nuclear capability brings

the leadership the security that it lacked in the past—and this should be the case if the nuclear capability of the country is acknowledged by the international community—then North Korean leaders will be more likely to discuss concessions on human security issues” (Bell and Fattig 2018, 43–44). North Korea would be more willing to improve on its poor track record for human rights, allow greater privatization of its economy, and open up its borders to more global trade, which would lead to greater overall living conditions for the country’s 25 million inhabitants. Normalization will also decrease the volume of North Korea’s illicit trading in the black market; such illicit trading includes human and drug smuggling and transfers of nuclear technologies to authoritarian Middle Eastern regimes like Syria and Iran (Bell and Fattig 2018, 34; Chung 2016, 107). Such trade accounts for forty percent of North Korea’s legitimate exports as of 2016 (Chung 2016, 107). North Korean integration into world economic markets will decrease the country’s dependency on the black market for trade revenue. A neofunctionalist approach to North Korea will both increase global security and incentivize North Korea to make changes to its problematic economic and human rights policies.

#### **RESPONDING TO THE RISKS OF A SIN DENUCLEARIZATION APPROACH**

There are few risks to a sin denuclearization approach. First, North Korea may choose not to integrate into the world. In this case, the United States may choose to resort to less secure methods of dealing with the North Korean crisis like pressuring North Korea to denuclearize. However, because North Korea has economic reasons to join the global market and because the United States can always revert to traditional methods of dealing with an uncooperative North Korea—such as increased sanctions and military containment—North Korea has strong incentives to integrate. Second, a nuclear North Korea may lead to further development of nuclear weapons in Asia as a response. However, the only two countries with the capability to develop such weapons in the near future are Japan and South Korea. Both reside under the United States’ nuclear umbrella and are signatories of the Nuclear Nonproliferation Treaty—neither have the advantage North Korea has of masquerading as a rogue state outside the bounds of international norms. Additionally, considering China is both Japan and South Korea’s largest trading partner and considering China’s aversion to nuclear proliferation in East Asia, the probability of Japan or South Korea developing nuclear weapons is exceedingly low (Roy 2017, 6).

#### **THE UNITED STATES’ SUCCESSFUL NEOFUNCTIONALIST STRATEGY IN CHINA AT THE TURN OF THE CENTURY**

Although controversial because of the emergence of China as a superpower, the United States’ neofunctionalist approach to China at the turn of the century did bring about an era of stability in East Asia that has lasted to modern day. According to Thomas Christensen, “if the goal of U.S. foreign policy in the early 1990s was to stay engaged in East Asia. . . so as to encourage regional economic interdependence, the early growth of multilateral institutions, and a greater role for China in these processes, then U.S. policy has been a fantastic success” (Christensen 2006, 106).

Applying the same approach to North Korea will have many benefits and none of the detriments. Integrating North Korea will stabilize the country as well as introduce the regime to mandated international norms. Since its globalization, China has accepted human rights laws, limits on pollution, and other “status quo” measures to a certain extent. North Korea, ruled by one of the most regressive regimes in the world, can only stand to improve from the ideological influences of international institutions.

Liberalization of trade and the shift from a command economy to a quasi-capitalist society has allowed China’s economy to grow extremely quickly. China was the last of many East Asian countries, including South Korea, Japan, Taiwan, Singapore, and Hong Kong, to shift from power to wealth; each of those countries loosened domestic controls and government power to achieve greater wealth from a more privatized market (Delury 2017). North Korea has powerful economic incentives to join the trend, especially after China maintained a one-party rule after moving towards free trade. The best-case resulting from trade liberalization would entail North Korea transitioning towards a more democratic system of government and the worst-case scenario is better average living conditions, greater access to technologies, and a healthier economy in North Korea (Dornbusch 1992, 73-77). North Korean integration will also open the country up to greater international criticism of regressive laws in international forums. The United Nations, World Trade Organization, and other international institutions will allow other countries to address the significant shortcomings of human rights laws in North Korea and generate greater pressure for the North Korean regime to reform. From a humanitarian perspective, integrating North Korea will improve the condition of its impoverished, abused citizens.

## CONCLUSION

Denuclearization and neofunctionalism sin denuclearization are both strategies that strive to achieve the ultimate goals of peace and security. However, prioritizing denuclearization will lead to increased tensions between North Korea and the United States and has a low probability of resolving the conflict. Seven decades of United Nations sanctions have failed to prevent North Korea’s path towards nuclearization. China’s inaction on the matter and Pyongyang’s prioritization of the regime over the state all but guarantees the continued failure of economic pressure as a method of persuading North Korea to denuclearize. Military pressure, whether through surgical strikes and direct warfare or through “hawk engagement” will work against South Korea’s neofunctionalist agenda and risks nuclear war with North Korea. Diplomatic negotiations are promising, but the Trump administration cannot continue to pursue denuclearization as a prerequisite for further negotiations. If Washington continues to prioritize denuclearization while Pyongyang prioritizes absolute regime security, negotiations will be doomed to fail. The United States should take the proactive first step towards normalization of relationships by acknowledging North Korea as a nuclear state and offering to help North Korea integrate into the world. By taking a neofunctionalist approach to foreign policy on the Korean peninsula, Washington can best assure the safety and security of the United States and its East Asian allies.

**WORKS CITED**

---

- Achen, Christopher H., and Duncan Snidal. 1989. "Rational Deterrence Theory and Comparative Case Studies." *World Politics* 41 (2): 143–169.
- Albert, Eleanor. 2018. "Understanding the China-North Korea Relationship." *Council on Foreign Relations*. Accessed October 7, 2018. [www.cfr.org/backgroundunder/china-north-korea-relationship](http://www.cfr.org/backgroundunder/china-north-korea-relationship).
- Associated Press. 2017. "Trump Calls Kim Jong Un 'Little Rocket Man' on Twitter." *Los Angeles Times*, November 30, 2017. <http://www.latimes.com/politics/la-pol-updates-everything-president-trump-calls-kim-jong-un-little-rocket-1512093131-htmlstory.html>.
- Bell, M., and Geoffrey Fattig. 2018. "Socializing a Nuclear North Korea: Human Security in Northeast Asia." *North Korean Review* 14 (1): 30–48.
- Bush, George W. 2002. "Text of President Bush's 2002 State of the Union Address." *The Washington Post*, January 29, 2002. [www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm](http://www.washingtonpost.com/wp-srv/onpolitics/transcripts/sou012902.htm).
- Cha, Victor D., and David C. Kang. 2004. "The Debate over North Korea." *Political Science Quarterly* 119 (2): 229–254.
- Choi, J. K., and Jong-Yun Bae. 2016. "Security Implications of a Nuclear North Korea: Crisis Stability and Imperatives for Engagement." *Korea Observer* 47 (4): 807–827.
- Chung, Samman. 2016. "North Korea's Nuclear Threats and Counter-Strategies." *The Journal of East Asian Affairs* 30 (2): 83–131, 163.
- Christensen, Thomas J. 2006. "Fostering stability or creating a monster? The rise of China and US policy toward East Asia." *International security* 31 (1): 81–126.
- De Melo, Jaime, and David Roland-Holst. 1991. "Industrial organization and trade liberalization: evidence from Korea." *Empirical studies of commercial policy*. University of Chicago Press: 287–310.
- Delury, John. 2017. "Instead of threatening North Korea, Trump should try this." *The Washington Post*, April 23, 2017. [https://www.washingtonpost.com/opinions/global-opinions/instead-of-threatening-north-korea-trump-should-try-this-instead/2017/04/23/70119194-2527-11e7-b503-9d616bd5a305\\_story.html?noredirect=on&utm\\_term=.afc2c042a19c](https://www.washingtonpost.com/opinions/global-opinions/instead-of-threatening-north-korea-trump-should-try-this-instead/2017/04/23/70119194-2527-11e7-b503-9d616bd5a305_story.html?noredirect=on&utm_term=.afc2c042a19c).
- Dornbusch, Rudiger. 1992. "The case for trade liberalization in developing countries." *Journal of Economic Perspectives* 6 (1): 69–85.
- Gehring, Thomas. 1996. "Integrating Integration Theory: Neo-Functionalism and International Regimes." *Global Society* 10 (3): 225–253.
- Godowska, Magdalena. 2012. "The Relevance of Neofunctionalism in Explaining European Integration in its Origins and Today." *Journal for Perspectives of Economic, Political, and Social Integration* 18 (12): 145–155.

- Hwang, Jihwan, and Sung-han Kim. 2015. "Revisiting the Functionalist Approach to Korean Unification: The Role of International Organizations and NGOs." *Journal of International and Area Studies* 22 (1): 41–55.
- Im, Hyug-Baeg, and Yu-Jeong Choi. 2011. "Inter-Korean and Cross-Strait Relations through the Window of Regional Integration Theories." *Asian Survey* 51 (5): 785–811.
- Kim, Byung-Yeon, and Gerard Roland. 2012. "Scenarios for a Transition to a Prosperous Market Economy in North Korea." *International Economic Journal* 26 (3): 511–539.
- Kim, Hyung-Jin. 2018. "Denuclearization, Improving Ties on Korean Summit Agenda." *Associated Press*, September 17. [www.apnews.com/8337235751b744a79fe0e07e38f4c2dd](http://www.apnews.com/8337235751b744a79fe0e07e38f4c2dd).
- Kim, Inhan. 2017. "No More Sunshine: The Limits of Engagement with North Korea." *The Washington Quarterly* 40 (4): 165–181.
- Kim, Sung Chull, and David C. Kang, eds. 2010. *Engagement with North Korea: A Viable Alternative*. Albany: SUNY Press. <https://www.sunypress.edu/p-4838-engagement-with-north-korea.aspx>.
- Kim, S. H., and Martin-Hermosillo, M. 2013. "The Effectiveness of Economic Sanctions Against a Nuclear North Korea." *North Korean Review* 9 (2): 99–110.
- Lionello, Luca. 2015. "The Crisis of Functionalism and the Reform of European Economic Governance." *Politeia* (37): 281–297.
- Edited by John Mecklin. 2018. "It Is 2 Minutes to Midnight: 2018 Doomsday Clock Statement." *Bulletin of the Atomic Scientists*, January 25, 2018. <https://thebulletin.org/2018-doomsday-clock-statement/>.
- McLaren, Robert I. 1985. "Mitranian Functionalism: Possible or Impossible?" *Review of International Studies* 11 (2): 139–152.
- Obydenkova, Anastassia. 2011. "Comparative Regionalism: Eurasian Cooperation and European Integration. The Case for Neofunctionalism?" *Journal of Eurasian Studies* 2 (2): 87–102.
- RFA Staff. 2018. "North-South Korean Summit Deal Appears to Revive Nuclear Diplomacy." *Radio Free Asia*, September 19, 2018. [www.rfa.org/english/news/korea/pyongyang-summit-09192018165524.html](http://www.rfa.org/english/news/korea/pyongyang-summit-09192018165524.html).
- Rosenfeld, Everett, and Nyshka Chandran. 2018. "Trump Says He and Kim Are 'Going Right Now for a Signing.'" *CNBC*, June 11, 2018. <http://www.cnn.com/2018/06/11/donald-trump-and-kim-jong-un-meet-at-historic-summit-in-singapore.html>.
- Roy, Denny. 2017. "Misunderstanding North Korea." *Asia - Pacific Issues* (133): 1–8.
- Sauer, Tom. 2012. "Nuclear Elimination with or without Missile Defence?" *Cambridge Review of International Affairs* 25 (3): 433–450.
- Smith, Hazel. 2000. "Bad, Mad, Sad or Rational Actor? Why the 'Securitization' Paradigm makes for Poor Policy Analysis of North Korea." *International Affairs* 76 (3): 593–617.

- Song, Jooyoung. 2011. "Understanding China's response to North Korea's provocations." *Asian Survey* 51 (6): 1134–1155.
- St. Brown, Max, et al. 2012. "Korean Economic Integration: Prospects and Pitfalls." *International Economic Journal* 26 (3): 471–485.
- Steffek, Jens. 2014. "The Cosmopolitanism of David Mitrany: Equality, Devolution and Functional Democracy Beyond the State." *International Relations* 29 (1): 23–44.

# THE HYPOCRISY OF THE U.S. PURSUIT OF HUMAN RIGHTS: A TOOL OF DOMINANCE?

Camilla Hallman

The research question guiding this dissertation is: ‘How was international human rights law employed as an imperialistic tool of dominance by the U.S. in the Iraq War, by President Bush?’ This dissertation comes to the conclusion that through hypocritical human rights action, where President Bush’s neoimperialistic rhetoric towards human rights did not match his administration’s actions, dominance was exerted over Iraq. This dissertation also argues that the effects of these hypocritical actions have rendered the U.S. increasingly insecure. To come to these conclusions, this dissertation covers theoretical foundations in Chapter One (post-colonialism, critical law theory, and realism); explores the neoimperialism of President Bush in his rhetoric and motivations for the war in Chapter Two; details the human rights abuses perpetrated by the U.S. during the war in Chapter Three; and examines the effects of these hypocritical actions in Chapter Four. This dissertation is informed largely by secondary sources, but also interprets primary sources such as speeches or government documents.

## INTRODUCTION

### I. THE ISSUE

There is abundant rhetoric in academia highlighting how the United States (U.S.) pursues foreign policy goals without regard for international law, yet enforces and creates international law as part of its role in the United Nations (UN) Security Council and in its unique position of power. However, there is a lack of insight into how ulterior motives and foundational beliefs inform these actions. By looking at the case of the 2003 Iraq War, and international human rights law, it is evident foundational beliefs surrounding the superiority of Western thought guide U.S. actions on behalf of ‘universal’ human rights, when in fact the U.S. acts on behalf of its own values and national interest in a form of neoimperialism. These actions then exert dominance over other states; diminishing their ability to gain power. Therefore, the U.S.’ dominance is fulfilled by its avoidance of following the same norms it enforces on other states; in other words, its human rights hypocrisy. Touting human rights is one small way the U.S. does this, as it almost certainly does this in other capacities of international law, but it is an important avenue for U.S. imperialism and one of the clearest pathways it uses in international law. Although it may seem a ‘radical’ position, it is imperative that scholars both within and outside of the U.S. see the subconscious ulterior motive behind U.S. human rights policy, as it serves to contribute to increasing U.S. insecurity.

### II. THESIS

This dissertation argues that the U.S. uses international human rights law as a tool of neoimperialistic dominance. The U.S. does not hold itself accountable

Camilla Hallman is a student at the University of Edinburgh’s Department of Politics. She will graduate this year.

to human rights norms while acting in the supposed interest of human rights, and this increases its power, since it faces no real consequences. This policy in turn decreases the global power of the states it intervenes in, and increases anti-West sentiment. Chapter One details the theoretical foundations informing this argument; utilizing the scholarship of postcolonialism, critical law theory, and realism. Following this discussion, Chapter Two explores George W. Bush's neoimperialism; by examining his use of religiosity and morality in his discourse, other motivations behind U.S. involvement in Iraq, 'exceptional exceptionalism,' and rhetoric of 'American values' as universal human rights. Next, Chapter Three analyses human rights abuses during the Iraq War to demonstrate hypocrisy in U.S. human rights policy. Chapter Four then critically reflects on the effects of the U.S.' hypocritical human rights approach, both immediately in Iraq, and consequently in the global perspective to argue the U.S. faces growing insecurity.

### III. RESEARCH METHODS

The central research question of this dissertation is: How was international human rights law employed as an imperialistic tool of dominance by the U.S. and President Bush in the Iraq War? In order to answer this question, the following supplementary questions are addressed:

1. How was human rights language manipulated to be imperialistic?
2. How did the U.S. under Bush exert power using human rights?
3. How did the U.S. under Bush not hold itself accountable to human rights norms?
4. How did this decrease Iraq's power?
5. What effects did/does this have?

To explore these questions, this dissertation is largely informed through secondary sources, such as works written by political scientists, newspaper articles, other sources found through library research, speeches, and government reports. A critical analysis of these secondary sources will be used to support this dissertation's argument. The speeches, press releases, and other transcripts will be interpreted in light of the research questions; analyzed using the theoretical approaches explained in Chapter One.

## CHAPTER ONE: IMPERIALISM AND LAW

This chapter consists of three parts. The first discusses the foundations of post-colonial theory and then defines the term 'neoimperialism.' The second details the basis of critical international law theory, in order to apply this scholarship lens to later arguments. Lastly, the third section explores realism and underscores how the U.S. uses national self-interest, in order to analyze the foundations of George W. Bush's foreign policy during the war in Iraq, and to better understand the international order as 'led' by the U.S. during that time. This chapter builds the literary context of this dissertation referenced throughout Chapters Two, Three, and Four.

## I. POSTCOLONIAL THEORY

Postcolonial theory is a critical theory which arose following independence movements that freed communities from colonial rule. The central ideas of this theory were popularized by Said in his 1978 work *Orientalism*, wherein he stated, “ideas, cultures and histories cannot seriously be understood or studied without their force, or more precisely their configurations of power, also being studied” (Said 1978, 12). If a certain group within a society has greater political, economic, and social power; this group possesses an inequitable amount of decision-making for the structure and culture of that society. This distribution of power also means the group in question decides how and where the minority social groups will live—which is seen in how the U.S. determines through its actions how much power ‘dominated’ states have. This also relates more broadly to global relations, in which Western powers (which were once colonial powers) dictate the global culture, and Eastern states (which were the colonized) are forced to experience it. In global culture, Western powers present the East as illogical, strange, and driven by base human passions; while presenting themselves as the logical and cultured norm (Seth 2011, 167). This constitutes ‘the colonial subject as the other’ (Spivak 1988, 76). By characterizing the colonial subject as ‘the other,’ the colonizer stresses how the colonial subject is different or opposite to them, allowing for marginalization and oppression (Spivak 1988, 76). This constitution of the colonized as the ‘other’ has been embedded in the international system and serves to perpetuate imperialism. As an approach to international relations (IR), postcolonial theory acts to challenge the eurocentrism of what is considered conventional IR, which touts Western Enlightenment thinking as progressive, superior, and universally applicable (Seth 2011, 167).

This dissertation will assess the case of the Iraq War and U.S. human rights hypocrisy by following the first two of Barry’s (1995, 193-195) four characteristics of postcolonial analysis. These two characteristics are: “(1) An awareness of representations of the non-European as exotic or as an immoral other [and] (2) An interest in the role of language supporting or subverting that power dynamic.” By focusing on the first two characteristics, this dissertation aims to draw connections in the discourse used by the U.S. in reference to Iraq, in order to demonstrate the presence of neoimperialism.

But what is neoimperialism? During the colonial era, imperialism was used in several ways to validate colonial efforts. Smith (2005, 96-97) argues that imperialism was used in four ways: as economic expansion, or as a system of control to secure markets and capital investments; as a way to subjugate the ‘other’; a complex ideology that had cultural, intellectual, and technical expressions as well as economic, military, and political ones; and a discursive field of knowledge. During the colonial era, converting colonial subjects to Christianity was a common tool, one which could fall under Smith’s (2005, 96-97) complex ideology use of imperialism. Christianity was a way to spread Western cultural values, and is seen in Bush’s neoimperialistic religious rhetoric in Chapter Two. Christian imperialism, and more specifically Bush’s Christian neoimperialism, was used to dictate what America’s role in the world should be (Conroy-Kutz 2015, 9). As more recent postcolonial theorists

such as Loomba and Kaul have pointed out, imperialism is not solely a European activity; there is an American neoimperialism (Loomba et al. 2006, 13). The 2003 invasion of Iraq exemplified this—"the confused oscillating rhetoric of impending threat from and promised liberation for the same region bears chilling similarities to the schizophrenic discourse of [traditional] imperialism" (Desai & Nair 2005, 14). This dissertation adopts the meaning of neoimperialism as traditional imperialism in a modern context. Neoimperialism takes traditional routes of rhetoric and incentive (religiosity, spreading ideology, economics, control, power) but in modern contexts, such as humanitarian intervention. Smith's characterization of the four uses of imperialism are still very much present in modern U.S. foreign policy, specifically in the way imperialism works to subjugate an 'other,' and will be explored with respect to the U.S.' attitude towards human rights in Iraq in Chapter Two.

## II. CRITICAL INTERNATIONAL LAW

The use of critical international law scholarship throughout this dissertation will tie in with both postcolonial and realist theories. Singh and Mayer (2014, 1) characterize critical international law as a way to address paradoxes within the discipline of IR, and demonstrate three trends within it: postrealism, postcolonialism, and transnationalism. Postrealist analyses of critical international law show international law as guided by 'rules of diplomacy,' which only serve national interests (Singh & Mayer 2014, 7). The lens postcolonialist theories use to critique international law argues that imperialism is a crucial element of international law (Anghie 2014, 140). Transnationalist analyses of critical international law focus on the hegemonic power used by certain states to ensure the interests of wealthier states and transnational corporations are met over the interests of less powerful states (Singh & Mayer 2014, 20).

While this dissertation will make some reference to postrealist views of critical international law, it will draw mainly from postcolonial critiques. Anghie demonstrates that international law—a system created by European scholars and states—has been complicit in legitimizing imperialism, and is now a way to further enforce the imperialistic tendencies of powerful states (Anghie 2014, 123). Anghie also explores the differences in conventional approaches to the history of international law, in contrast to postcolonial analysis. He shows how conventional world histories, especially of colonial to postcolonial transitions, adopt the view that imperialism ended with decolonization, thereby creating a blind spot rife with paradoxes (Anghie 2014, 136). This 'blind spot' is neoimperialism—if one were to adopt conventional histories or mainstream views, one does not see the effect neoimperialism has on the incentives of the U.S. when they manipulate human rights rhetoric. When questioning the foundations of international law through a postcolonial lens, it is easy to become trapped in a loop which devalues international law as a whole. While international law can be criticized for not being universal in inception nor application, this dissertation takes the view that through understanding its 'blind spots,' international law could be universal in the future. While this is not a part of the main argument, this dissertation is implicitly informed and guided by this assumption.

While critiquing the U.S.' international legal practice, this dissertation's scope is narrowed to focus on international human rights law, while referring to work from scholars such as Kennedy (1985, 2005). In his 1985 work *Spring Break*, Kennedy brings to light the dissonance between reality and expectations, and the impositions that accompany international human rights (Kennedy 1985, 1378). It is also important to examine the tensions surrounding this critique and the values of human rights; as Mégret (2014, 5) explains, it is a willingness to recognize the accomplishments of human rights, but "caution against some of the limitations and even dangers of the discourse." These "dangers" are seen in the effects of the Iraq War in Chapter Four. Critical international law theory is used in this research to recognize the dangers of the use of international human rights law for national interest. This dissertation does not take the view that the concept of international human rights is wrong, but rather takes the position that it is wrong when used as a double standard or as a substitute for national values.

### III. REALISM

Finally, the use of realist scholarship throughout this dissertation explores the power of national interest as a driving force behind neoimperialism and dominance through human rights. Realism seeks to explain how constraints on international politics are placed by the faults of human nature, and the absence of an international government; indicating that all states act in self-interest, making the international system anarchic (Donnelly 2009, 9; Mearsheimer 1994, 9). Different disciplines of theory exist under the realist umbrella; however, this dissertation utilizes neorealism, which focuses on the centrality of a struggle for power within anarchy (Donnelly 2009, 12). Neorealism is especially applicable to this research, due to its recognition of a balance of power. This is in contrast to the classical realism popularized by Morgenthau, which focuses on a fixed expression of human nature to explain inter-state relations (Donnelly 2009, 12). In looking at neorealism, this dissertation is informed by the works of thinkers such as Waltz and Mearsheimer.

Waltz (1979) bases his neorealism off of the following: national interest is what drives the action of states; competition between states creates necessities for policy; states will focus on these necessities to create policy that serve their interest; and policy is considered successful when preserving and strengthening the state (Waltz 1979, 117). The assumption that states act in their own national interest is imperative to understand as a premise of this dissertation. While the U.S. may look like it is acting in a liberal internationalist way by purporting universal human rights, it only does so when it serves the state's interest; as seen in Chapter Two. Mearsheimer (1994/95, 9-10) builds the foundation of his realist thought on the premise that the international system is anarchic, and postulates that states are inherently possessive of military power which gives states the resources to hurt or destroy one another. Mearsheimer's neorealism is especially suited to the premise of this dissertation because many of Mearsheimer's academic works in the pre- through post-Iraq War period predicted and rationalized the outcomes. It is also important to note Mearsheimer's conception of the realist balance of power when looking at the case of the Iraq War:

“...When one state puts its fist in another state’s face, the target usually does not throw its hands in the air and surrender. Instead, it looks for ways to defend itself; it balances against the threatening state” (Mearsheimer 2005). Iraq, and the surrounding region, balanced against the U.S.’ intervention in a way that has caused the U.S. to become increasingly disliked among other global actors, and has also increased its insecurity.

## CHAPTER TWO: THE FOUNDATIONS OF GEORGE BUSH’S IMPERIALISM

This chapter consists of four parts. The first is a brief summary of the historical context of this dissertation. The second part uses speech examples of the religiosity, morality, and democratic ideology of President Bush’s rhetoric and analyses the motivations of the Iraq War to show the presence of neoimperialism. While there are many ways to explore the concept of neoimperialism, this dissertation focuses on religiosity, morality, and democratic ideology; as it directly relates to the use of human rights language. The third section explores the concept of ‘exceptional exceptionalism’ in the presidency of George W. Bush; detailing what American exceptionalism is and how President Bush increased its capacity to become ‘exceptional exceptionalism’ in the lead up to and during the Iraq War. The fourth and final section of this chapter demonstrates how the concept of human rights became equivalent to American values under the Bush administration. This chapter uses the theoretical foundations shown in Chapter One to inform the argument that President Bush exhibited neoimperialism through his rhetoric and motivations, use of exceptional American exceptionalism, and the claiming of American values as universal human rights. This argument then informs Chapter Three—after detailing how President Bush led the world to believe he was interested in furthering human rights through his speech, Chapter Three explains how this was hypocritical, as the actions of his administration did not echo his speech.

### I. HISTORICAL CONTEXT

President George W. Bush was inaugurated on January 20th, 2001 (Miller Center of Public Affairs). On September 11th, 2001, the deadliest terrorist attack on U.S. soil took place, resulting in 2,996 civilian deaths, and marking the beginning of the U.S.’ War on Terror (Plummer 2013). President Bush addressed a joint session of Congress in 2001: “Our war on terror begins with al Qaeda, but it does not end there. It will not end until every terrorist group of global reach has been found, stopped, and defeated” (Bush 2001c). Four months later, in January 2002, President Bush stated that Iraq was part of an “axis of evil,” with Iran and North Korea—some believe this was the first hint of an intent to intervene in Iraq militarily (Miller Center of Public Affairs). In the following year, President Bush would address Congress for support in action against Iraq, address the UN Security Council for support in military action against Iraq, gain support from Congress for military intervention, and Congress officially declared war against Iraq in March 2003 (Council on Foreign Relations). President Bush led the toppling of Saddam Hussein’s dictatorship in Iraq, declaring a premature “mission accomplished” in May 2003 (Council on

Foreign Relations). However, the U.S. remained both militarily and politically involved in Iraq until 2011. This dissertation will focus primarily on the involvement of the U.S. in Iraq during the Bush presidency to explore the theme of neoimperialism, from 2003-2008. This section gives historical context in order to inform the controversial topics explored in this dissertation. As will be shown in the ensuing chapters, indicators of malpractice and illegal behavior on behalf of the U.S. came to light during the Iraq War. These included the human rights atrocities committed at the Abu Ghraib prison and Guantanamo Bay, as well as the Torture Memos released in 2004. President Bush's rhetoric and motivations, 'exceptional exceptionalism,' and purporting of 'American values as human rights' bring to light the neoimperialism that is an underlying factor of the motivations and outcome of the Iraq War.

## II. RHETORIC & MOTIVATIONS

The foundations of President Bush's use of neoimperialism begin with his rhetoric. In some of the more notable speeches of his presidency, President Bush used religious, moral, and freedom-based rhetoric to garner support for the Iraq War. It is important to realize that he was being imperialistic in the ways he justified this intervention.

The first of these, religious rhetoric, is reminiscent of traditional imperialism. As explained in Chapter One, imperialism could use religious ideology to justify the pursuit of gains - whether economic, social, or political (Smith 2005, 97; Conroy-Kutz 2015, 9). President Bush used God to justify his invasions of Afghanistan and Iraq, even going as far as to claim God told him, "George, go and end the tyranny in Iraq" (MacAskill 2005). Bush is a devout Christian of the Protestant Methodist faith, who, like most American presidents, ended most of his speeches with the sentiment "God bless America." Although it is not uncommon in U.S. presidencies to reference God, the justification of moral duty and of policy within Christian scripture was an uncommon characteristic of the Bush presidency (Mertus 2008, 59). Bush purported that liberty was God's gift to humanity, and that freedom is a God-given right all citizens of the world have. Bush's interpretation of a God-given right echoes similar language of universality in the Universal Declaration of Human Rights (UDHR); which can be seen as a manipulation of existing human rights language. Liberty as a God-given right, in turn, emphasized a sense of religious calling in Bush and in the U.S.; a duty to bring freedom to the Iraqi people (Mertus 2008, 60). A quote from President Bush's 2003 State of the Union Address exemplifies this: "Americans are a free people, who know that freedom is the right of every person and the future of every nation. The liberty we prize is not America's gift to the world, it is God's gift to humanity." Bush implied those who opposed U.S. policies in bringing liberty were "rejecting the noblest gift of God to humanity" (Zizek 2009). Bush also references God as the "Author of Liberty" in his 2007 Address on Military Operations in Iraq, stating, "We go forward with trust that the Author of Liberty will guide us through these trying hours." In claiming that he was on a mission from God, and later involving the American people as part of his religious-based moral mission, Bush engaged in a form of neoimperialism. Apart from the commonality with the Christian

colonial movements of the past, Bush's religious rhetoric falls under Barry's (1995) first characteristic of post-colonial analysis, where there is a representation of the 'other' as immoral. By arguing that he was on a mission from God to end the tyranny in Iraq, and by later using moral language, Bush implicitly constructed the Iraqi people as an 'immoral' other, who have previously been unable to receive or unworthy of God's gifts. This is more evident in the discussion of his moral language, where a clear identification of America and its allies as civilized and moral is made.

Although technically a Methodist, many also consider Bush as a pietist, "referring to a tradition in which religion is more a matter of the heart than the intellect"—which can be seen in his religious morality (Keller 2003). Bush used religious rhetoric to renew the faith and will of the American people to rally around the flag, and continue the mission in Iraq long after the war was declared won in May 2003 (Cline 2003). Bush did this by referring to God's will as mysterious yet grounded in morality and justice. For example, in his State of the Union Address in 2004, Bush remarked, "My fellow citizens, we now move forward with confidence and faith...The cause we serve is right, because it is the cause of all mankind." By using the theme of American morality, Bush enhanced his exceptionalism (as seen in section two of this chapter). Bush relied on his religion to help him make his moral decisions; which connects to the concept of neoimperialism, but also to neorealist concepts of power. Spykman (1942, 18) states "The search for power is not made for the achievement of moral values; moral values are used to facilitate the attainment of power," which can be interpreted in light of Bush's religious rhetoric, as well as his more general moral rhetoric. Bush used religious and moral rhetoric to justify intervention in Iraq, using morality as a substitute and supplement to pre-established human rights discourse.

Morality was used as a substitute for human rights discourse especially at the beginning of Bush's presidency (Mertus 2008, 59). Much of the discourse around human rights intervention and humanitarian aid, throughout U.S. foreign policy, has based its language in moral duty, obligation, and responsibility; and Bush's approach to the Iraq War was no different (Barnett and Snyder 2008, 160). Bush was imperialistic in how he implied the immorality of the enemy terrorists and leaders, as well as of Iraq's situation, and touted American morality in 'saving' the Iraqi people. This can be seen across a few of his speeches. In his 2002 Remarks at the UN General Assembly, where Bush was seeking action from the UN on Iraq's violations of previous resolutions, Bush stated: "Above all, our principles and our security are challenged today by outlaw groups and regimes that accept no law of morality and have no limit to their violations." This quote not only presents the Americans as saviors, but also demonstrates an explicit characterization of the other as immoral. Bush then identified the duty of the American people as a moral obligation in the same 2002 remarks: "The United States has no quarrel with the Iraqi people; they've suffered too long in silent captivity. Liberty for the Iraqi people is a great moral cause, and a great strategic goal." By later purporting American values as human rights, as seen in the last section of this chapter, Bush took advantage of a trend emerging in international relations for using human rights discourse to validate interventions (Perugini and Gordon 2015, 6). Human

rights discourse, and the justification of intervening actions through moral rhetoric, has become coveted amongst leaders who seek political influence and power (Perugini and Gordon 2015, 5-6). When reading this section's paragraphs on the motivations of the Iraq War, it is important to realize the actions of the Bush administration were taken in the national interest, but are "cloaked in noble language, virtuous principles, and high moral sentiments" in an effort to justify those actions (Kattenberg 1983, 15). Bush used moral language and obligational rhetoric as the vehicle for national interest. Realist scholarship supports this claim, by arguing that moral values are relative—where universal principles are not principles at all, but "unconscious reflections of national policy" based on a current interpretation of national interest (Carr 1946, 87).

The main moral obligation of the Iraq War, as seen through Bush's rhetoric, was to bring freedom, liberty, and democracy to Iraq. Bush purported liberty, or freedom, as a God-given right to replace traditional human rights rhetoric in the beginnings of his presidency; which Evans (1996, 184) argues is an increasingly common use of rhetoric, as the West tends to favor democracy over human rights. In the case of the Bush administration, as will be demonstrated in the ensuing paragraphs, spreading democratic ideology was the main incentive for intervening in Iraq. Working with a democracy would be easier than working with a volatile regime such as Hussein's, and so to achieve democracy Bush sacrificed human rights, as seen in the Bush administration's interpretation of the Convention Against Torture (CAT) in Chapter Three.

To sell democracy as universal in its applicability, Bush drew upon American experiences of freedom to declare a 'right to be free.' "Our commitment to democracy is also tested in the Middle East...In many nations of the Middle East—countries of great strategic importance—democracy has not yet taken root. And the questions arise: Are the peoples of the Middle East somehow beyond the reach of liberty? Are millions of men and women and children condemned by history or culture to live in despotism? Are they alone never to know freedom, and never even to have a choice in the matter? I, for one, do not believe it. I believe every person has the ability and the right to be free" (Bush 2003d). Here Bush declares the 'right to be free' as a pseudo-human right to advance his argument that democracy in Iraq was not only necessary for 'strategic importance' (national interest), but a moral good. Bush's Western conceptions of democracy were seen as a legitimate reason to intervene in Iraq amongst the American people, and President Bush built upon his religion and moral speak to make the spread of democratic ideology the main motivation for the Iraq War. Bush's religious and moral rhetoric gave him the confidence to pursue his mission to make the world safe for democracy (Keller 2003). The spread of an ideology is another core characteristic of imperialism, and the spread of democratic ideology was an important facet of Bush's neoimperialism (Smith 2005, 97).

As a motivation for the Iraq War, Bush's spread of democratic ideology had roots in the neoconservative movement among right-leaning politicians in the U.S., dating back to the administrations of Ronald Reagan and George H.W. Bush (Fisher 2016). The neoconservatism personified by President Bush was a combination of humanitarian impulses, with an "almost messianic" faith in the American military, and a fear of an

“uncivilized” world seen as both threatening and morally compromised (Fisher 2016). This relates back to Barry’s characteristics of post-colonial analysis—when Bush characterized the U.S. and its allies as part of the “civilized world,” he implicitly characterized Iraq as the uncivilized other. He referenced this concept throughout his speeches:

“This is civilization’s fight” (Bush 2001a)

“The civilized world is rallying to America’s side” (Bush 2001a)

“[Iraq is] a regime that has something to hide from the civilized world” (Bush 2002a)

“Remnants of [Hussein’s] regime, joined by foreign terrorists, continue their battle against order and against civilization” (Bush 2003d)

“In every case, we will defeat the threats against our country and the civilized world” (Bush 2004b)

Barry’s second characteristic, where language supports the hierarchical dynamic between the civilized subject and the uncivilized other, is especially evident. By repeatedly characterizing Iraq as the home of an uncivilized government and people, Bush built his moral case for intervention, and also made sure to identify any opponents to his intervention as part of the uncivilized world. This concept plays into his exceptional exceptionalism, as well as the ways in which he manipulated international human rights law to excuse torture.

And so, for the Bush administration, viewing Iraq under this neoconservative lens meant viewing it as both a moral good and a strategic necessity for America to replace Hussein’s government with democracy, and dominate the world as both a moral and military leader (Fisher 2016). This belief will be revisited in the section on Bush’s ‘exceptional exceptionalism’—because not only did the U.S. under Bush believe itself as the world’s indispensable power, but as a model of an exportable and universal democratic government (Dunn 2003, 285). The interest in making Iraq a democracy was not original to the post-9/11 situation; the neoconservative movement among the American Right was frustrated with Iraq beforehand. Throughout the 1990s, Hussein had become increasingly defiant of UN mandates and international concerns, and steadily issued anti-American rhetoric (Fisher 2016). Following 9/11, Bush looked desperately for connections between Iraq and terrorism to permit involvement, ultimately deciding on the argument of the presence of weapons of mass destruction (WMD) as a threat to the U.S.; proving involvement in Iraq did not need a requisite issue, but was always about ideological convictions (Fisher 2016). Bush, and his neoconservative advisers, believed that the status quo in the Middle East was unsustainable, and that regime change in Iraq would begin a domino effect to democratize the region (Dunn 2003, 290). The argument put forward for spreading the ideology of democracy was that “while the spread of democracy would not destroy terrorism overnight, it [would provide] the best hope that the world [had] for doing so” (Dunn 2003, 290). This leads us to the most outwardly declared motivation for the Iraq War—national security.

The pursuit of national security was an important motivator for the Bush administration to intervene in Iraq. Following 9/11, the U.S. was incredibly insecure (Plummer 2013). Eliminating security threats was the primary focus of President Bush, to reassure the American people following such a violent loss of life (Dunn 2003, 295). In his remarks at the Warsaw Conference on Combating Terrorism in 2001, Bush declared: “We will not wait for the authors of mass murder to gain the weapons of destruction. We act now because we must lift this dark threat from our age and save generations to come.” Bush’s security motivations moved him to pre-emptively eliminate “Iraq’s potential capability to build WMD and its potential to supply them to terrorists” and justify this course of action using human rights discourse (Dunn 2003, 295). Bush manipulated human rights discourse as a way to ensure national security by using sovereign responsibility. The UN charter “specifies that no country can interfere in the affairs of another state unless it is an act of self-defense” (Cushman 2005, 550). Bush circumvented this in the case of the Iraq War by using ‘sovereignty as responsibility,’ where “all human beings have rights by virtue of their humanity which transcend state borders,” giving sovereigns the right to protect citizens of another sovereign state (Birdsall 2010, 684). The presence of WMD, to the U.S., is a direct military threat. The U.S. initially asked the UN for permission to intervene because of Hussein’s violations of UN resolutions combined with intelligence purporting him as a threat (Cushman 2005, 567). When his plea to the UN failed, it was imperative for Bush to find a different reason to intervene; justifiable not only under international law, but also to the American people. Bush manipulated international human rights law, using it as a political tool to advance the U.S.’ national security agenda (Birdsall 2010, 683). Bush ultimately challenged human rights discourse by “pitting it against national security concerns,” not only by justifying intervention under human rights pretenses, but by later justifying his administration’s non-compliance with the Convention Against Torture (CAT), which will be seen in Chapter Three (Perugini & Gordon 2015, 54).

### III. EXCEPTIONAL EXCEPTIONALISM

American exceptionalism, or the idea that the U.S. has a distinct and special ‘destiny’ different to that of other states, is a term that is used when examining U.S. foreign policy across many historical periods, and was shaped by the ideals of the European Enlightenment (Pease 2009). American exceptionalism is optimistic and associated with progress, a sort of “sense of divine providence” (Dunn 2003, 285). This providence gives presidential administrations “moral certainty” and confidence that leaves the administrations impervious to other influences (Dunn 2003, 285). American exceptionalism led Bush to state during his 2001 Address to the Nation on the Terrorist Attacks that “America was targeted for attack because we’re the brightest beacon for freedom and opportunity in this world.” American exceptionalism is especially interesting when examining the case of the Iraq War, as President Bush took traditional American exceptionalism and made it even more exceptional—called ‘exceptional exceptionalism’ by Mertus (2008). President Bush inherited a State Depart-

ment and an American population with “a greater capacity for and an enhanced interest in human rights issues” following the presidency of Bill Clinton (Mertus 2008, 53). This encouraged the use of rhetoric explored above, and the promoting of human rights as American values explored in the following section. The Bush administration used this to build upon exceptionalism: by picking and choosing which international treaties to take part in; by defending the human rights records of allies and attacking the human rights records of states they did not like; and by engaging in human rights abuses (Mertus 2008, 64-65). The abuses are explored in more detail in Chapter Four.

Ultimately, out of the tragedy of 9/11, President Bush found an opportunity to reform the Arab and Muslim world and fulfill the American destiny to bring democracy and freedom to the people of Iraq (Dunn 2003, 290). Bush stated during the 2001 Address on the U.S. Response to the Attacks of September 11, “Tonight we are a country awakened to danger and called to defend freedom.” It was America’s duty; it was Bush’s destiny; it was exceptional exceptionalism. The Bush administration believed in an inalienable goodness of American power, specifically American military power, and believed in the divine goodness of its values (Dunn 2003, 285). These values became the basis of President Bush’s human rights rhetoric.

#### IV. HUMAN RIGHTS ARE AMERICAN VALUES

As explored in the section on rhetoric, President Bush relied on the concept of liberty as a universal right. Freedom can be interpreted as a traditional American value, as seen in the Bill of Rights. But this was not the only American value Bush proposed as a human right—his administration explicitly stated that the human rights and democracy being pursued were only those that reflected a refined set of American values and interests (Mertus 2008, 60). Bush drew on a conflation of “human dignity” with American values and interests in his speeches—in his 2003 State of the Union Address, he asserted that the obligation of human dignity was at the center of his policy: “The American flag stands for more than our power and our interests. Our founders dedicated this country to the cause of human dignity, the rights of every person, and the possibilities of every life. This conviction leads us to help the afflicted, and defend the peace, and confound the designs of evil men.” Bush used the concept of human dignity as a replacement for human rights—in the 2002 National Security Strategy, a set of “non-negotiable demands of human dignity” were defined (Mertus 2008, 61). These demands consisted of “the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property” (The U.S. Department of State 2002). While this list evokes some similarity to international human rights law, it is different. There is no mention of ‘respect for private property’ in the UDHR and no use of the term ‘respect for women’, nor is there any language about how much power a state may have (Universal Declaration of Human Rights). However, Bush still purported this language as his pursuit of human rights in Iraq (Mertus 2008, 61). Evans (1996, 172) makes the point that

governments have been encouraged since World War II to use the image of protecting human rights as a rationale for engaging in war—and Bush did this by twisting human rights language to reflect American values and interests. Bush’s administration made sure to purport that “American values are universal” to supplement his campaign for the spread of democracy to ensure national security for the U.S. (Birdsall 2010, 685). However, American values are not universal, and are not the basis for international human rights law. Although Bush used human rights discourse to advance his case for intervention in the Iraq War, he also attempted to use human rights discourse to justify human rights abuses—demonstrating U.S.’ human rights hypocrisy.

### CHAPTER THREE: THE HYPOCRISY OF HUMAN RIGHTS

This chapter explores human rights abuses committed by the U.S. during the Iraq War. The international community was justifiably concerned about human rights abuses perpetrated in Iraq prior to the war. Saddam Hussein’s government engaged in campaigns to repress the Shi’a, Kurdish, and Marsh Arab populations, which included mass executions, targeted killings according to ethnicity or political affiliation, rape, and torture; and resulted in the disappearance of between 250,000 and 290,000 people (Mufti & Stover 2004, 22; Cushman 2005, 556). However, this concern does not justify human rights abuses committed at the hand of the U.S. when intervening. By looking at the human rights abuses of the U.S. in this chapter, specifically the cases of the Abu Ghraib prison, Guantanamo Bay, and the Torture Memos, this chapter draws the conclusion that the human rights rhetoric of Chapter Two as compared to these abuses result in hypocrisy. President Bush’s rhetoric, as shown in Chapter Two, is not backed up by his administration’s actions, which are shown in this chapter. The Bush administration only respected international human rights law as far as it chose to, for its own benefit (Mertus 2008, 73). This also leads to a double standard of human rights: one for the U.S., and one for the rest of the world. This informs Chapter Four’s section on how the U.S. increases its insecurity through its human rights hypocrisy. All of these arguments are supported by the theoretical foundations laid out in Chapter One.

#### I. DETAINEE ABUSE AMOUNTING TO TORTURE, COMMITTED BY THE U.S. DURING THE IRAQ WAR

The U.S., like other countries, has used the UDHR as a “code of conduct and as a yardstick to measure...compliance with the international standard of human rights” (Sohn & Buergenthal 1973, 182). However, while the U.S. has not ratified the UDHR into its national law, it holds other states accountable to it—an indicator of its human rights hypocrisy. Although the U.S. has ratified the CAT, it has acted outside the legal norms set by the treaty. Terrorism and armed insurrection can be fought with multiple state tools, including force, but “under no circumstance can a government use torture, murder, disappearance, or indefinite imprisonment without charge” under these treaties (Sikkink 2004, 214). Although it was clear to the international community that human rights abuses were being committed in Iraq

and that they were a motivation for the U.S. intervention, it soon came to light the U.S. also engaged in human rights abuses. This furthered the hypocritical stance of the U.S. in terms of its human rights agenda. International human rights law and language was only invoked when it served U.S. national interest, while also being flagrantly disobeyed when it served those interests. The U.S. has used an ends-justify-the-means approach, despite this not correlating with the human rights agenda (Kattenburg 1983, 24). The Bush administration argued that 9/11 was indicative of a crisis situation which enabled them to suspend fundamental human rights to combat terrorism (Birdsall 2016, 180). The main three examples of this phenomenon in the Iraq War are the cases of detainee abuse in the Abu Ghraib prison and in Guantanamo Bay, coupled with the interpretive denial used in the 2004 Torture Memos. By dismissing Army perpetrators of abuse as ‘bad apples’ in the case of Abu Ghraib, and administering terms like ‘unlawful combatant’ and ‘enhanced interrogation techniques’ to rhetoric surrounding Guantanamo Bay and the Torture Memos, the Bush administration embraced human rights hypocrisy to pursue national interest.

Both Guantanamo Bay and Abu Ghraib were prisons: Abu Ghraib was a prison used specifically for Iraqis; and Guantanamo Bay has been a detention center for those accused of terrorism, with detainees from many countries included in the ‘war on terror’ rather than just the war in Iraq. Both prisons have been sites of detainee abuse that amount to torture.

Abu Ghraib prison, located about 20 miles west of Baghdad, was a U.S. Army detention center for captured Iraqi militants from 2003-2006 (CNN Library 2019). After a discovery of photos depicting guards abusing detainees in 2003, an investigation was launched, culminating in a report by Major General Antonio Taguba (released April 2004), detailing the abuse and outcomes of the investigation; and the Fay-Jones Report (released August 2004), which found 44 instances of abuse, some amounting to torture (CNN Library 2019). The Fay-Jones Report defined abuse as “treatment of detainees that violated U.S. criminal law or international law or treatment that was inhumane or coercive without lawful justification.” The Taguba Report found intentional abuse which included this list of acts:

1. “Punching, slapping, and kicking detainees; jumping on their naked feet
2. Videotaping and photographing naked male and female detainees
3. Forcibly arranging detainees in various sexually explicit positions for photographing
4. Forcing detainees to remove their clothing and keeping them naked for several days at a time
5. Forcing naked male detainees to wear women’s underwear
6. Forcing groups of male detainees to masturbate themselves while being photographed and videotaped
7. Arranging naked male detainees in a pile and then jumping on them
8. Positioning a naked detainee on a MRE Box, with a sandbag on his head, and attaching wires to his fingers, toes, and penis to simulate electric torture

9. Writing “I am a Rapist” (*sic*) on the leg of a detainee alleged to have forcibly raped a 15-year old fellow detainee, and then photographing him naked
10. Placing a dog chain or strap around a naked detainee’s neck and having a female Soldier pose for a picture
11. A male MP guard having sex with a female detainee
12. Using military working dogs (without muzzles) to intimidate and frighten detainees, and in at least one case biting and severely injuring a detainee
13. Taking photographs of dead Iraqi detainees.”

These acts go directly against the CAT. The definition of torture in the CAT is as follows: “...Any act by which severe pain or suffering, whether physical or mental, is intentionally inflicted on a person for such purposes as obtaining from him or a third person information or a confession, punishing him for an act he or a third person has committed or is suspected of having committed, or intimidating or coercing him or a third person, or for any reason based on discrimination of any kind, when such pain or suffering is inflicted by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity.” The physical actions as listed in the Taguba Report—such as kicking, slapping, and using military working dogs—caused severe pain and suffering, and in some cases led to death. The actions of posing detainees naked, depicting sexual acts, or forcing detainees to commit sexual acts in front of each other fall under the mental suffering component of the CAT. All of these acts were inflicted by persons of the state acting in their official capacity, which also indicates torture. The Fay-Jones Report asserted that while senior level officers did not directly cause the abuse; their lack of oversight, failure to respond immediately to reports, and their issuing of unclear policy memoranda contributed to the outcomes (Fay & Jones 2004, 989).

President Bush reacted in “disgust” following the reports of these actions becoming international news, and asserted that this behavior was the result of a few ‘bad apples’ (Brody 2004). However, this assertion does not correlate with further administration-driven actions in Guantanamo Bay, and the language in the Torture Memos.

Guantanamo Bay is a detention facility on a U.S. naval base, located on land rented by the U.S. from Cuba (CNN Library 2018). Further detainee abuse has been perpetrated by the U.S. military here; but in this case, it was legitimized and rationalized by the Bush Administration. In January 2002, leading up to the war in Iraq, photos were released of detainees held in sensory deprivation; their faces were covered with masks, their ears with earmuffs, their heads with wool caps; and their hands and feet were bound and covered (Mertus 2008, 73). Sensory deprivation is a method of inflicting mental suffering, which goes directly against the CAT, and, when combined with other torture techniques such as exposure to extreme cold, resulted in the death of detainees (Siems 2017). There were also accusations of waterboarding among other forms of detainee abuse. This caused global backlash, but President Bush responded by asserting that he had the authority to suspend the Geneva Conventions for the detain-

ees (Mertus 2008, 73). The Bush administration labeled the detainees at Guantanamo Bay as ‘unlawful combatants,’ and cited the threat they posed to U.S. national security as justification for suspending the Geneva Conventions (Birdsall 2016, 180). This shows that “international human rights standards came increasingly second place” to national security, as the human rights of detainees were suspended in order to interrogate them for intelligence of threats to U.S. national security (Birdsall 2010, 680). This again demonstrates a use of Bush’s neoimperialism, in that his categorization of detainees as ‘unlawful combatants’ stripped them of human rights, making them an ‘other.’ The term ‘unlawful combatants’ legitimized the illegal conduct perpetuated by the U.S. (Perugini & Gordon 2015, 18). The perception of accused terrorists as ‘unlawful combatants’ ultimately played into the Bush administration’s justifications for new or ‘enhanced interrogation techniques’—because the ‘war on terror’ was a new kind of war, that created a necessity for contemporary mechanisms (Birdsall 2016, 180).

These ‘enhanced interrogation techniques’ also amounted to torture. The 2004 Torture Memos were a shock to the American people and to the global community. Only a few months before, President Bush had spoken at the UN International Day in Support of Victims of Torture, stating that although the U.S. would continue seriously questioning terrorists believed to have pertinent intelligence, the U.S. would not compromise the rule of law or its values; due to the fact that “torture is wrong no matter where it occurs” (Bush 2004c). He had also, in the same remarks, clearly stated that the actions in Abu Ghraib were “wrong” and “inconsistent with our policies and values as a Nation” (Bush 2004c). However, after increasing evidence, the Bush administration could no longer deny that torture was happening systematically, and changed its rhetoric to a form of ‘interpretive denial’ (Birdsall 2016, 181). The Torture Memos were an exchange of internal memoranda among administration officials and advisers that postulated (and likely implemented) torture as a necessary interrogation measure, and attempted to rationalize its legality through loopholes in international law (Mertus 2008, 71). The first memo, a 52-page document by the Justice Department’s Office of Legal Counsel, reached three main conclusions:

1. “That President Bush could authorize torture even though [U.S.] laws and treaties prohibit it;
2. The interrogators could cause substantial pain without crossing the torture threshold;
3. That even if those interrogators were later prosecuted for engaging in torture, there were legal defenses they could use to avoid accountability” (Mertus 2008, 73)

The Bush Administration used the Torture Memos to attempt to rationalize the treatment of detainees being interrogated under international law by specifically referencing the human right not to be tortured and the CAT. By using ‘enhanced interrogation techniques,’ the U.S. knowingly broke international human rights law. Although Article 2 of the CAT states: “no exceptional circumstances whatsoever, whether a state of war or a

threat of war, internal political instability or any other public emergency, may be invoked as a justification of torture,” the U.S. used the ‘war on terror’ as a “framework in which it could justify its conduct based on emergency exception arguments” (Birdsall 2016, 179).

Emergency exception arguments, and interpretive denial using international legal language are another example of the exceptional exceptionalism of Bush’s approach to the Iraq War. The U.S. was ultimately asserting a legal right to engage in illegal torture, a double standard used to exert dominance over an enemy state. By excusing its own illegal actions under the same pretenses it used to vilify Iraq’s illegal behavior, in short, being hypocritical in its pursuit of human rights; the Bush administration’s imperialistic rhetoric informed and performed an intervention that ultimately exerted dominance over Iraq. This led to multiple negative effects—some of which are explored in the next chapter.

## CHAPTER FOUR: THE EFFECTS OF HYPOCRISY

This chapter’s first section discusses the lasting effects of human rights hypocrisy in Iraq; including an unstable democracy and increased ethno-religious conflict in order to demonstrate how Iraq lost global power and how human rights hypocrisy was a tool of dominance. This chapter concludes with a discussion on how human rights hypocrisy leads to increased insecurity; not only because pre-emptive force baits retaliation, but because these actions create bad precedents in the practice of international human rights law by other states. This chapter uses the themes explored in Chapters Two and Three to inform how human rights hypocrisy leads to these effects, and is informed by the theoretical foundations discussed in Chapter One.

### I. THE LASTING EFFECTS IN IRAQ

There are lasting negative effects in Iraq. Like other attempts to transplant democracy to a post-conflict area, former combatants in Iraq have aggressively pursued pre-existing interests (Barnett & Snyder 2008, 151). When states emerge from war, especially one drawn out as long as the Iraq War, there is a lack of institutional structure or social culture to address the pressures that come with democratic transition (Barnett & Snyder 2008, 151). The U.S.-driven pressure to democratize in Iraq has also directly contributed to rising ethnic tension (Barnett & Snyder 2008, 151). In the effort to democratize quickly, the U.S. and the UN proposed an electoral law based on national proportional representation, which “inflamed ethno-religious agendas and consolidated identity politics” (Kubba 2011, 37). Ensuing mismanagement on the part of the U.S., as well as the reactions of former Hussein loyalists and Al-Qaeda, also contributed to the lasting effects in Iraq (Kubba 2011, 36, 40). And it was not just the campaign to democratize on its own that contributed to this effect—lack of security in Baghdad led to looting of government buildings, which contributed to retaliatory violence and vengeance killings, as government archives identified thousands of security agents and informers (Mufti and Stover 2004, 8).

Regional effects included Iran exploiting openings created by the Iraqi invasion and the resulting ‘shake-up’ in the regional order to gain control (Wehrey

et al. 2010, xii). The distrust in U.S. intentions has also increased the receptivity of states in the region to seek assistance from China and Russia; and Arab publics have increasingly tolerated or supported unpopular rulers who are seen as preferable to possible issues resulting from their overthrow (Wehrey et al. 2010, xiii-xv).

The U.S. used the invasion of Iraq, under the pretenses of human rights, to ultimately exert dominance and diminish the power of Iraq. The primary motivations were to create a democracy and to ensure U.S. national security; and this alone would have diminished Iraqi power if it had worked, putting it effectively under U.S. control. However, the U.S. diminished Iraqi power even further through its failure; by ensuring that it was no longer capable of balancing Iran's power, and by strengthening anti-American sentiment in the region.

## II. HYPOCRISY MEANS AN INCREASE IN INSECURITY

A clear way in which the human rights hypocrisy of the U.S. has increased its insecurity is how it has continuously founded more hatred among radical Muslim communities, rather than culled radicalism and terrorism. "What emerge[d] as a result of the U.S. occupation in Iraq is precisely a fundamentalist Muslim anti-American movement, directly linked to such movements in other Arab countries or countries with a Muslim presence." (Zizek 2009). This relates to the realist assertion of a balance of power—when one state pre-emptively projects force onto another, the other state will react equally in an effort to create a balance of power (Mearsheimer 2005). While many anti-American and Muslim extremist groups are non-state actors, such as ISIS; states such as Iran have Islamist governments that are poised against the U.S.—and when these states and actors see the U.S. acting against established norms in unapologetic self-interest, it invites them to do the same. In this international environment that is both anarchic and interdependent, "the single-minded pursuit of self-interest often leads to suboptimal outcomes" (Evans 1996, 177). The U.S.' hypocrisy created insecurity by intensifying hatred and simultaneously diminishing world-wide support for their actions and the war on terror. The Iraq War served ultimately to widen a rift between Western Europeans and Americans, anger and provoke fear in the Muslim world, reduce support for the war on terrorism, and weaken the UN and other global alliances (Marquis 2003).

The U.S. is also rendered insecure by its hypocrisy because of the bad precedents it sets for other states. Truly accepted and established universal human rights do not exist as yet, due in part to cultural differences; but the norms in place are agreed upon to guide human rights practice—and when states such as the U.S. twist these guidelines to their interests using rhetoric that makes them 'universal,' it is potentially dangerous when applied to interactions among states (Kattenburg 1983, 19). At the revelations of abuse against the prisoners in Abu Ghraib, UN Secretary General Kofi Annan believed that exempting the U.S. would be hypocritical and impose double standards, and he was correct (Birdsall 2010, 460). The U.S. had violated universal standards of justice—and had invited others to do so (Birdsall 2010, 460).

“When the U.S. government holds people incommunicado without access to lawyers, it flaunts the rule of law and invites similar detentions elsewhere. When members of the U.S. military torture and humiliate prisoners, as they did in the Abu Ghraib prison in Iraq, they signal that such behavior is acceptable, and they destroy U.S. credibility to protest torture anywhere in the world” (Sikkink 2004, 219). The double standards also ultimately go back to imperialism, in the way that they reinforce the idea of an ‘other.’ Attacks against terrorists during the Iraq War have been legitimized under international law; targeting certain areas in a way that sees the ‘other’ with “mathematic precision” (Singh & Mayer 2014, 13-14). As Anghie (2014, 123) argues in Chapter One, international law has been complicit in legitimizing imperialism in the past; and through the U.S.’ hypocritical actions, could continue to do so in the future. If the U.S. has shown that abusing and suspending the human rights of an ‘other,’ an enemy of the state, is justifiable under international law, it is then justifiable for other states to do the same, in similar or increasing extremes. International human rights law continues “to carry a brief for the civilized against the uncivilized,” especially when manipulated in ways such as the Bush administration did for the Iraq War (Kennedy 2004, 308).

It is important to caution against the limitations and dangers of human rights discourse (Mégret 2014, 5). Using postrealist critical law theory, it is evident that using rhetoric to serve national interests was a tactic used by the U.S., that has backfired and ultimately made them more insecure (Singh & Mayer 2014, 7). The Iraq War has made the U.S., international human rights law, and the UN susceptible to insecurity by setting bad precedents, as there is now a lack of public trust that they represent “virtue,” or the just path to guide international relations (Kennedy 2004, 283).

## CONCLUSION

This dissertation has shown that the U.S. has used human rights rhetoric as a tool of dominance, driven by underlying neoimperialism. Chapter One illustrated the theoretical underpinnings of this dissertation’s findings: postcolonialism, critical law theory, and realism. Chapter Two demonstrated how President Bush used his piety, his moral-speak, and democratic ideology imperialistically to inform his actions—and how the spread of democracy, national security, and economic interests were at the heart of U.S. motivations for the Iraq War. Chapter Three demonstrated that although there was just cause for international concern about human rights abuses in Iraq, they were not justifiably resolved by the U.S.’ human rights hypocrisy. Chapter Four then went on to show that human rights hypocrisy has made Iraq weaker, but has also increased U.S. insecurity. Neoimperialism is important to tackle in research, because it has a “continuing and bloody ambition” (Loomba et al. 2006, 13). Imperialism is not solely a historical interest of international relations—it is an ontological interest, because how crucial of an element it is in international law (Singh & Mayer 2014, 16). This dissertation does not assert that the U.S.’ neoimperialism is rooted in evil; but rather, national interest. Just as a parent would do anything for their child, the leaders of the U.S. will do whatever it takes to protect the American people

and protect American power. If that means sacrificing human rights for security, and transgressing international human rights law to protect national interest, so be it.

Further research is most certainly needed in this area. This dissertation, while making use of a breadth of theory and research, is not without its bias or shortcomings. This dissertation is biased in believing that the U.S., like many Western states, still has a ways to go before truly being 'post' colonial and being rid of imperialistic tendencies. In further research, it would be compelling to compare this view to views that interventionist U.S. foreign policy do not carry imperialistic undertones. This dissertation's shortcomings include a lack of other critical theoretical lenses, such as feminism; and other approaches, such as constructivism or foreign policy analysis; which could bring out different facets of the event of the Iraq War. It is crucial to assert that this research is imperative—not only to prevent further human rights abuses by the U.S.; but to avoid setting bad precedent in international law, and to decrease the overall insecurity of the U.S..

All in all, this dissertation has embraced a more positive aspect of the human rights movement; where the human rights practices of states such as the U.S. are subjected to scrutiny (Sikkink 2004, 208). The U.S. has the capacity, as a global power, to be a leader of the human rights agenda; but only if it were to stop human rights hypocrisy and using human rights as a tool of dominance. While this would go against neorealist perceptions of state interactions; it is imperative to do so to prevent insecurity, to become less imperialistic, and to encourage power in other states. It would seem to go against U.S. national interest at first—but ultimately, becoming less hypocritical in human rights would serve U.S. national interest, and make for a less war-torn international system.

## LIST OF ABBREVIATIONS

---

CAT—Convention Against Torture

CEDAW—Convention on the Elimination of all Forms of Discrimination Against Women

CERD—Committee on the Elimination of Racial Discrimination

CRPD—Convention on the Rights of Persons with Disabilities

ICCPR—International Covenant on Civil and Political Rights

UDHR—Universal Declaration of Human Rights

UN—United Nations

U.S.—United States

WMD—Weapons of Mass Destruction

## WORKS CITED

---

- Anghie, Antony. 2014. "Towards a Postcolonial International Law." In *Critical International Law: Postrealism, Postcolonialism, and Transnationalism*, edited by Prabhakar Singh, and Benoît Mayer. 1st Ed. Oxford: Oxford Scholarship Online, 123. Available at: <http://www.oxford-scholarship.com.ezproxy.is.ed.ac.uk/view/10.1093/acprof:oso/9780199450633.001.0001/acprof-9780199450633> [Accessed 19 Jan. 2019]
- Barnett, Michael and Jack Snyder. 2008. "The Grand Strategies of Humanitarianism." In *Humanitarianism in Question: Politics, Power, Ethics*, edited by Michael Barnett and Thomas G. Weiss, 1st Ed. Ithaca: Cornell University Press, pages 143–171
- Barry, Peter. 1995. *Beginning Theory*. Manchester: Manchester University Press, 193–195
- Birdsall, Andrea. 2010. "A Monstrous Failure of Justice? Guantanamo Bay and National Security Challenges to Fundamental Human Rights." *International Politics* 47 (6): 680–97. <https://doi.org/10.1057/ip.2010.25>.
- Birdsall, Andrea. 2010. "The 'Monster That We Need to Slay'? Global Governance, the United States, and the International Criminal Court." *Global Governance: A Review of Multilateralism and International Organizations* 16 (4): 451–69. <https://doi.org/10.1163/19426720-01604003>. [Accessed 27 Mar. 2019]
- Birdsall, Andrea. 2016. "But We Don't Call It 'Torture'! Norm Contestation during the US 'War on Terror.'" *International Politics* 53 (2): 176–97. <https://doi.org/10.1057/ip.2015.42>. [Accessed 27 Mar. 2019]
- Brody, Reed. 2004. "The Road to Abu Ghraib." *Human Rights Watch*, [online]. Available at: <https://www.hrw.org/report/2004/06/08/road-abu-ghraib#0b7979> [Accessed 1 Apr. 2019]
- Brody, Reed. 2005. "Getting Away with Torture? Command Responsibility for the U.S. Abuse of Detainees." *Human Rights Watch*, [online]. Available at: <https://www.hrw.org/report/2005/04/23/getting-away-with-torture/command-responsibility-us-abuse-detainees#a573d9> [Accessed 1 Apr. 2019]
- Bush, George. 2001a. President Bush: "No Nation Can Be Neutral in This Conflict"; Remarks by the President To the Warsaw Conference on Combatting Terrorism. *The White House (Archives)*, [online]. Available at: <https://georgewbush-whitehouse.archives.gov/news/releases/2001/20011106-2.html> [Accessed 26 Mar. 2019]
- Bush, George. 2001b. September 11, 2001: Address to the Nation on the Terrorist Attacks. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/september-11-2001-address-nation-terrorist-attacks> [Accessed 24 Mar. 2019]
- Bush, George. 2001c. September 22, 2001: Address on the US Response to the Attacks of September 11. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/september-22-2001-address-us-response-attacks-september-11> [Accessed 19 Mar. 2019]
- Bush, George. 2002a. January 29, 2002: State of the Union Address. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-29-2002-state-union-address> [Accessed 1 Apr. 2019]

- Bush, George. 2002b. September 12, 2002: Remarks at the UN General Assembly. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/september-12-2002-remarks-un-general-assembly> [Accessed 24 Mar. 2019]
- Bush, George. 2003a. January 28, 2003: State of the Union Address. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-28-2003-state-union-address> [Accessed 24 Mar. 2019]
- Bush, George. 2003b. March 17, 2003: Address to the Nation on Iraq. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/march-17-2003-address-nation-iraq> [Accessed 24 Mar. 2019]
- Bush, George. 2003c. March 20, 2003: Address on the Start of the Iraq War. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/march-20-2003-address-start-iraq-war> [Accessed 24 Mar. 2019]
- Bush, George. 2003d. November 6, 2003: Remarks on Freedom in Iraq and Middle East. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/november-6-2003-remarks-freedom-iraq-and-middle-east> [Accessed 24 Mar. 2019]
- Bush, George. 2004a. January 20, 2004: State of the Union Address. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-20-2004-state-union-address> [Accessed 24 Mar. 2019]
- Bush, George. 2004b. July 17, 2004: Remarks on National Security and the War Effort. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/july-17-2004-remarks-national-security-and-war-effort> [Accessed 24 Mar. 2019]
- Bush, George. 2004c. President's Statement on the U.N. International Day in Support of Victims of Torture. *The White House (Archives)*, [online]. Available at: <https://georgewbush-whitehouse.archives.gov/news/releases/2004/06/20040626-19.html> [Accessed 30 Mar. 2019]
- Bush, George. 2005. December 19, 2005: Address on Renewal in Iraq. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/december-19-2005-address-renewal-iraq> [Accessed 24 Mar. 2019]
- Bush, George. 2007a. January 11, 2007: Address on Military Operations in Iraq. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-11-2007-address-military-operations-iraq> [Accessed 24 Mar. 2019]
- Bush, George. 2007b. January 23, 2007: State of the Union Address. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-23-2007-state-union-address> [Accessed 1 Apr. 2019]
- Bush, George. 2008a. January 28, 2008: State of the Union Address. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-28-2008-state-union-address> [Accessed 24 Mar. 2019]

- Bush, George. 2008b. March 19, 2008: Remarks on the War on Terror. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/march-19-2008-remarks-war-terror> [Accessed 24 Mar. 2019]
- Bush, George. 2009a. January 12, 2009: Final Press Conference. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-12-2009-final-press-conference> [Accessed 24 Mar. 2019]
- Bush, George. 2009b. January 15, 2009: Farewell Address to the Nation. *Miller Center of Public Affairs, University of Virginia*, [online]. Available at: <https://millercenter.org/the-presidency/presidential-speeches/january-15-2009-farewell-address-nation> [Accessed 24 Mar. 2019]
- Çalı, Başak. 2015. "Comparing the Support of the EU and the US for International Human Rights Law qua International Human Rights Law: Worlds Too Far Apart?" *International Journal of Constitutional Law* 13 (4): 901–22. <https://doi.org/10.1093/icon/mov058>. [Accessed 1 Apr. 2019]
- Carr, Edward Hallet. 1946. *The Twenty Years' Crisis, 1919-1939: An Introduction to the Study of International Relations*, 2nd Ed. New York: St. Martin's Press
- Cline, Seth. 2013. "The Other Symbol of George W. Bush's Legacy." *U.S. News*, [online]. Available at: <https://www.usnews.com/news/blogs/press-past/2013/05/01/the-other-symbol-of-george-w-bushs-legacy> [Accessed 27 Mar. 2019]
- CNN Library. 2018. "Guantanamo Bay Naval Station Fast Facts." *CNN*, [online]. Available at: <http://editions.cnn.com/2013/09/09/world/Guantanamo-bay-naval-station-fast-facts/index.html> [Accessed 1 Apr. 2019]
- CNN Library. 2019. "Iraq Prison Abuse Scandal Fast Facts." *CNN*, [online]. Available at: <https://edition.cnn.com/2013/10/30/world/meast/iraq-prison-abuse-scandal-fast-facts/index.html> [Accessed 30 Mar. 2019]
- Conroy-Kutz, Emily. 2015. *Christian Imperialism: Converting the World in the Early American Republic*. Ithaca: Cornell University Press
- Council on Foreign Relations. 2019. *The Iraq War: 2003-2011*. Available at: <https://www.cfr.org/timeline/iraq-war> [Accessed 19 Mar. 2019]
- Cushman, Thomas. 2005. "The Conflict of the Rationalities: International Law, Human Rights and the War in Iraq." *Deakin Law Review* 10 (2): 546. <https://doi.org/10.21153/dlr2005vol-10no2art292>. [Accessed 1 Apr. 2019]
- Desai, Gaurav Gajanan. and Nair, Supriya. 2005. *Ideologies of Imperialism. In Postcolonialisms: An Anthology of Cultural Theory and Criticism*. Edited by Gaurav Gajanan Desai and Supriya Nair, 1st Ed. Oxford: Oxford International Publishers Ltd., 14
- Donnelly, Jack. 2009. *Realism and International Relations*. Cambridge: Cambridge University Press, Available at: <https://www-cambridge-org.ezproxy.is.ed.ac.uk/core/books/realism-and-international-relations/AA4EC871B7537C202559CCD21C1E5338> [Accessed 18 Mar. 2019]
- Dunn, David Hastings. 2003. "Myths, Motivations and 'Misunderestimations': The Bush Administration and Iraq." *International Affairs* 79 (2): 279–97. <https://doi.org/10.1111/1468-2346.00308>.

- Evans, Tony. 1996. *US Hegemony and the Project of Universal Human Rights. Southampton Studies in International Policy*. London: Macmillan. pp. 176-184
- Fay, George and Jones, Anthony. 2004. *The Fay-Jones Report*. Cambridge: Cambridge University Press, pp. 987–1131. Available at: <https://www.cambridge.org/core/books/the-torture-papers/august-2004-the-fay-jones-report/0E30E8BF1EE67C2D8BAD324672D98125> [Accessed 30 Mar. 2019]
- Fisher, Max. 2016. “America’s Unlearned Lesson: The Forgotten Truth about Why We Invaded Iraq.” *Vox*. February 16, 2016. <https://www.vox.com/2016/2/16/11022104/iraq-war-neoconservatives>. [Accessed 26 Mar. 2019]
- Gökay, Bulent. 2016. “Why You Can’t Explain the Iraq War without Mentioning Oil.” *The Conversation*. <http://theconversation.com/why-you-cant-explain-the-iraq-war-without-mentioning-oil-59352>. [Accessed 26 Mar. 2016]
- Human Rights Watch. 2009. “‘We Are Afraid to Even Look for Them’: Enforced Disappearances in the Wake of Xinjiang’s Protests.” *Human Rights Watch*. October 20, 2009. <https://www.hrw.org/report/2009/10/20/we-are-afraid-even-look-them/enforced-disappearances-wake-xinjiangs-protests>. [Accessed 1 Apr. 2019]
- Kattenburg, P. 1983. “Moral Dilemmas in the Development of United States Human Rights Policies.” In: Hevener, N., ed. *The Dynamics of Human Rights in US Foreign Policy*, 2nd Ed. New Brunswick: Transaction, Inc., pp. 11-27
- Keller, B. 2003 “God and George W. Bush.” *The New York Times*, [online]. Available at: <https://nytimes.com/2003/05/17/opinion/god-and-george-w-bush.html> [Accessed 26 Mar. 2019]
- Kennedy, David W. 1985. “Spring Break.” *Texas Law Review* 63 (8): 1377–1423. <https://dash.harvard.edu/bitstream/handle/1/16082843/63TexLRev.pdf?sequence=1> [Accessed 17 Mar. 2019]
- Kennedy, David. 2015. *The Dark Side of Virtue: Reassessing International Humanitarianism*. Princeton; Oxford: Princeton University Press, pp. 283, 308.
- Kubba, L. (2011) *Lessons from Iraq*. In: *Ali Paya and John Esposito, ed. Iraq, Democracy and the Future of the Muslim World*, 1st Ed. Oxfordshire: Routledge, pp. 36-49
- Loomba, Ania, Suvir Kaul, Matti Bunzl, Antoinette Burton, and Jed Esty. 2005. “Beyond What? An Introduction.” In *Postcolonial Studies and Beyond*, edited by Ania Loomba, Suvir Kaul, Matti Bunzl, Antoinette Burton, and Jed Esty, Duke University Press: pp. 1-13. <https://doi.org/10.1215/9780822386650-001>
- MacAskill, Ewen. 2005. “George Bush: ‘God Told Me to End the Tyranny in Iraq.’” *The Guardian*, October 7, 2005. <https://www.theguardian.com/world/2005/oct/07/iraq.usa>. [Accessed 26 Mar. 2019]
- Marquis, Christopher. 2003. “AFTER THE WAR: OPINION; World’s View of U.S. Sours After Iraq War, Poll Finds.” *The New York Times*, June 4, 2003, sec. World. <https://www.nytimes.com/2003/06/04/world/after-the-war-opinion-world-s-view-of-us-sours-after-iraq-war-poll-finds.html>. [Accessed 30 Mar. 2019]

- Mearsheimer, John J. 2005. "Hans Morgenthau and the Iraq War: Realism versus Neo-Conservatism." *OpenDemocracy*. May 18, 2005. [https://www.opendemocracy.net/en/morgenthau\\_2522jsp/](https://www.opendemocracy.net/en/morgenthau_2522jsp/). [Accessed 18 Mar. 2019]
- Mearsheimer, John J. 1994. "The False Promise of International Institutions." *International Security* 19 (3): 5-49. <https://doi.org/10.2307/2539078>. [Accessed 18 Mar. 2019]
- Mertus, Julie. 2008. *Bait and Switch: Human Rights and U.S. Foreign Policy*. 2nd ed. New York: Routledge, 1-81.
- Miller Center for Public Affairs. 2016. "George W. Bush - Key Events." *Miller Center*. October 7, 2016. <https://millercenter.org/president/george-w-bush/key-events>.
- Mufti, Hania, and Eric Stover. 2004. "Iraq: State of the Evidence" *Human Rights Watch* 16 (7): 1-41. Available at: <https://www.hrw.org/sites/default/files/reports/iraq1104.pdf> [Accessed 30 Mar. 2019]
- Pease, Donald E. 2009. *The New American Exceptionalism. Critical American Studies Series*. Minneapolis: University of Minnesota Press.
- Perugini, Nicola, and Neve Gordon. 2015. *The Human Right to Dominate. Oxford Studies in Culture and Politics*. New York: Oxford University Press, pp. 5-6, 18, 54.
- Pew Research Center. 2003. "Views of a Changing World 2003: War With Iraq Further Divides Global Publics." <https://www.pewglobal.org/2003/06/03/views-of-a-changing-world-2003/>. [Accessed 30 Mar. 2019]
- Plumer, Brad. 2013. "Nine Facts about Terrorism in the United States since 9/11." *Washington Post*. September 11, 2013. <https://www.washingtonpost.com/news/wonk/wp/2013/09/11/nine-facts-about-terrorism-in-the-united-states-since-911/>. [Accessed 1 Apr. 19]
- Ratner, Michael, Jennie Green, and Barbara Olshansky. 2011. *Against War with Iraq: An Anti-War Primer*. Seven Stories Press, pp. 10-22.
- Said, Edward. 1978. *Orientalism*. New York: Pantheon Books, p. 12
- Seth, Sanjay. 2011. "Postcolonial Theory and the Critique of International Relations." *Millennium: Journal of International Studies* 40 (1): 167-83. <https://doi.org/10.1177/0305829811412325>. [Accessed 17 Mar. 2019]
- Siems, Larry. 2017. "Inside the CIA's Black Site Torture Room." *The Guardian*, October 9, 2017. <https://www.theguardian.com/us-news/ng-interactive/2017/oct/09/cia-torture-black-site-enhanced-interrogation>. [Accessed 1 Apr. 2019]
- Sikkink, Kathryn. 2004. *Mixed Signals: U.S. Human Rights Policy and Latin America*. Ithaca, N.Y.: Cornell University Press, pp. 208-220.
- Singh, Prabhakar, and Benoît Mayer, eds. 2014. "Introduction: Thinking International Law Critically One Attitude, Three Perspectives." In *Critical International Law*, 1-26. Oxford University Press. <https://doi.org/10.1093/acprof:oso/9780199450633.003.0014>.

- Smith, Linda Tuhiwai. 2005. *Imperialism, History, Writing and Theory*. In *Postcolonialisms: An Anthology of Cultural Theory and Criticism*, edited by Gaurav Gajanan Desai and Supriya Nair. 1st Ed. Oxford: Oxford International Publishers Ltd., 96-97
- Sohn, Louis B, and Thomas Buergenthal. 1973. *Basic Documents on International Protection of Human Rights*. Indianapolis; Kansas; New York: Bobbs-Merrill, p. 182.
- Spivak, Gayatri Chakravorty. 2010 [1988]. "Can the Subaltern Speak?" In *Can the Subaltern Speak? Reflections on the History of an Idea*, edited by Rosalind C. Morris. New York: Columbia University Press, 76.
- Spykman, Nicholas J. 1942. *America's Strategy in World Politics: The United States and the Balance of Power*. New York: Harcourt, Brace, and Company, p. 18.
- Taguba, Antonio M. 2004. "Article 15-6 Investigation of the 800th Military Police Brigade." *US Department of Defense*. <https://fas.org/irp/agency/dod/taguba.pdf> [Accessed 30 Mar. 2019].
- United Nations Human Rights Office of the High Commissioner. 1987. Convention against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment. <https://www.ohchr.org/en/professionalinterest/pages/cat.aspx> [Accessed 30 Mar. 2019].
- United Nations General Assembly. 1946. "Universal Declaration of Human Rights." *United Nations*. <https://www.un.org/en/universal-declaration-human-rights/> [Accessed 21 Apr. 2019]
- US Department of State. 2002. The National Security Strategy of the United States of America. <https://www.state.gov/documents/organization/63562.pdf> [Accessed 26 Mar. 2019].
- Waltz, Kenneth Neal. 1979. *Theory of International Politics*. New York: Random House, p. 117.
- Wehrey, Frederic M., Dalia Dassa Kaye, Jessica Watkins, Jeffrey Martini, and Robert A. Guffey. 2010. *The Iraq Effect: The Middle East after the Iraq War*. Santa Monica, CA: RAND, pp. xi-xv. Available at: [https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND\\_MG892.pdf](https://www.rand.org/content/dam/rand/pubs/monographs/2010/RAND_MG892.pdf) [Accessed 30 Mar. 2019]
- Wolverton, Monte. 2014. Airstrikes in Iraq Déja Vu. <http://editorialcartoonists.com/cartoon/display.cfm/134874> [Accessed 19 Jan. 2019].
- Zambelis, Chris. 2010. "Uighur Dissent and Militancy in China's Xinjiang Province." *Combating Terrorism Center at West Point* 3 (1): 16-19. <https://ctc.usma.edu/app/uploads/2010/08/Pages-from-CTCSentinel-Vol3Iss1-art5.pdf> [Accessed 1 Apr. 2019]
- Zedalis, R. J. 2007. "Iraqi Oil and Revenues from Its Sale: A Review of How Existing Security Council Resolutions Affected the Past and May Shape the Future." *European Journal of International Law* 18 (3): 499-522. <https://doi.org/10.1093/ejil/chm026> [Accessed 26 Mar. 2019].
- Zizek, Slavoj. 2009. "Iraq's False Promises." *Foreign Policy* (blog). October 28, 2009. <https://foreignpolicy.com/2009/10/28/iraqs-false-promises/> [Accessed 26 Mar. 2019].

## FROM THEORY TO PRACTICE: AN INTERVIEW WITH JAKE SULLIVAN, DARTMOUTH'S 2019 MONTGOMERY FELLOW

Jake Sullivan is a leading American foreign policymaker and is currently a Montgomery Fellow at Dartmouth College. In the Obama Administration, he served as the National Security Advisor to the Vice President and Director of Policy Planning at the State Department. He also served as Hillary Clinton's top foreign policy adviser during her 2016 Presidential election. Among his major diplomatic achievements was his role in the Iran nuclear negotiation. He was listed in Time Magazine's "40 under 40" of rising stars in American politics and is a prolific writer and commentator on U.S. international affairs for outlets such as CNN, Foreign Policy, Foreign Affairs, The New York Times, and The Washington Post.

*World Outlook: Thank you so much for being here. Our first question is about your academic background and how that informs your thinking on foreign policy. You graduated from Yale with a degree in political science before graduating from Oxford with an MPhil in international relations. Then you went on to graduate from Yale Law School, you clerked for numerous influential justices and you practiced law. So how do you think your extensive academic background has influenced your outlook on foreign policy and how do you think your legal background may have shaped your outlook on foreign policy?*

**Jake Sullivan:** So having a grounding in political science and international relations theory I think gave me a broader strategic lens to look at the big questions facing American foreign policy and also put it in the historical context because IR, in particular the master's degree that I did in Oxford, had a deeply historical bent to it and then layered on top of that the more kind of strategic social science historical frame for thinking about policy questions I'd put a legal background and legal training and what legal training really gives you is the ability to systematically organize thoughts, arguments, [and] approaches on issues that you may not have ever encountered before. So you can get a case on some industry that you didn't know existed and as a lawyer you'd figure out "OK I know the right questions to ask, I know the right analysis to run, and I know how to get up to speed quickly on the puts and takes of that industry." Same thing goes for policy questions. So as somebody who worked in a position at the State Department and the White House where I actually had to deal with more or less every issue around the globe including countries and functional areas I'd never really touched or been exposed to before, having the legal training to be able to quickly come up to speed on those issues and being able to apply some kind of systematic approach to them was super important.

The last thing I would say on this is the best policymaking process involves people with a mix of academic backgrounds: some people who are steeped in history, some people who are steeped in the social sciences, some people who are steeped in

business and the private sector, some people in law, all leavened by actual practical real-world experience as well.

And when I reflect back on the Obama administration, I think we were too heavy on lawyers. So just to give you an example when I moved over to the White House in 2013 to be the vice president's national security adviser, I participated in what was called the PDB—the president's daily briefing—which is a small group of us in the Oval Office every morning with the president talking about issues of the day and what was on his mind from a national security perspective. And so in the room the first day I arrived for that were: Barack Obama, lawyer; Joe Biden, lawyer; Tom Donilon, who was the national security adviser, lawyer; Tony Blinken, who was the deputy national security adviser, lawyer; Lisa Monaco who was the counterterrorism and homeland security adviser, lawyer; me, lawyer; and Denis McDonough who, was the chief of staff, who is not a lawyer but was probably the most lawyerly minded person in the room, and that was it. So there are reasons for that in Democratic administrations I think which are kind of interesting but I definitely think having legal training can make you a good strategist a good foreign policy practitioner but if that's all you've got, I think the process suffers.

**WO:** *And this one kind of moves off that a little bit but how would you describe the interaction between the academics and the applied communities of international relations? Do you think there's a lot of communication and back and forth or not really?*

**JS:** You know when I was director of policy planning we were the interface to the intellectual realm, the realm of the mind outside of the walls of government decision making and we would bring in academics from multiple different perspectives to give their assessment and critique of the work we were doing but also to try to place the day to day policy decisions in a larger context—theoretical, historical, etc..

But that was probably the exception more than the rule. There is more limited engagement and interaction between the academy and the practitioner set than there should be and that's both true for process reasons—when you're working in government you're suffering under the tyranny of the inbox, things are just coming at you constantly every day and you're trying to deal with them so it's hard to step back and have that kind of sustained engagement with people in the academy. And it's more when practitioners go out like I have gone out and that you get the opportunity to really immerse yourself in the academic debates. But there's another reason too which is in international relations and foreign policy—this is much less true of the Dartmouth government department than government and political science and art departments and a lot of other institutions—the emphasis tends in the academy to be much more on restraint, offshore balancing, realism, sort of grand unified theories of IR, whereas practitioners are more likely to be pro engagement with the world, more forward

leaning but also less like the hedgehog and more like the fox, you know, more just trying to deal with whatever is before them in the best way they think they can. And so, there is a little bit of a Mars–Venus quality between academics and practitioners.

I don't want to overstate that because I think we ought to be building greater bridges and that should happen on both sides, that the academy should be more focused on how it can participate in these debates and practitioners should be more focused on how they can draw out the brilliance and the insights of academics who know a heck of a lot more about some of these subjects than the practitioners do.

**WO:** *One follow up to that, because we are an academic journal: what steps do you think you can take to be more engaged in the international arena and policy decisions?*

**JS:** Well I mean one thing is it's what is valued among students at every level, Undergraduates, Master's students, PhDs. To what extent is the demand signal from the key leaders, and I know it's not a hierarchy, but prominent voices in the academy for, yes excellent academic research, but also a participation in and contribution to big policy debates. And I actually think we're in a moment right now where if the pendulum kind of swings back and forth between the applied and the theoretical it's coming back a bit and you're seeing more and the IR field more younger, dynamic voices and more diverse voices that are doing both excellent scholarship but also are trying to contribute to the public debates. That's a good thing. And so a lot of that just has to do with the incentives—institutional and structural—and the disincentives that get set up for young scholars. And I would just encourage even more movement in the direction of—obviously I'm biased—but more movement in the direction of, not sacrificing on the methodology or the scholarship, but carving out the time and space to contribute to these debates. The other thing is, I don't know if you guys are familiar with the Monkey Cage blog in The Washington Post, but it's worth checking out because it basically exists to provide scholars with an outlet to turn like a twelve thousand word multi-regression analysis into an 800 word op-ed that can get very broadly read and that can have real kind of policy impact and I think more mechanisms like that where there's a conversion of intense brilliant scholarship that is accessible only to those who have the tools to be able to really understand it into an argument that those of us who are more kind of knuckle dragging practitioners really understand, and the public too.

**WO:** *You played a prominent role in American foreign policy towards Syria and Libya among other countries. How do you see the role and effect of American intervention in today's day and age?*

**JS:** I think it's tough. I wrote a piece in The Atlantic a few months ago in which I make the observation that the biggest shortcoming of American foreign policy generally but

especially in respect to intervention is the gap between our stated objectives and the means we use to achieve them. So Syria is a great case in point where we said “Assad must go, there needs to be a transition to a new democratic Syria,” and that means that we were prepared to apply or even really could have applied even if we had wanted to were not up to achieving that objective. And so, when people presented the argument to President Obama “let’s do some limited military action here,” he would say “How is that limited military action going to get me to this objective that you’ve said is the paramount objective.” And he would be right about that. So, I do believe that there are circumstances in which American military intervention to prevent genocide, mass atrocities, and industrial scale horror is appropriate. But I think it has to be humbly and modestly applied towards a narrowly tailored objective not the transformation of another country that we don’t understand that well into something fundamentally different.

Another good case in point on this is Libya. I’ve struggled with the question of if we had it to do over again would we have participated in the Libya intervention. And I don’t have a definitive answer on that yet. I go back and forth but where I think I’m landing, subject to change, is that it was right actually to get that U.N. Security Council resolution and to defend Benghazi against the possibility of mass killings and mass atrocities in Benghazi as the Gadhafi regime was threatening them. But maybe we should have stopped there which is to say just the narrow goal of essentially protecting a major population center from being overrun and then forced the parties to figure out how they were going to come to some agreement for the future of Libya rather than spend months in what effectively turned into a regime change mission. So a more limited intervention in Libya might have accomplished the purposes of stopping mass killings with international sanction, with the U.N. Security Council resolution, but going on to essentially shatter the Libyan state and leave it to be rebuilt or not as has the case turned out, maybe that was where we went too far.

***WO: You were heavily involved in the process of negotiating the Iran nuclear deal. What was that like? How do you approach the negotiation table in such a high stakes situation? What misconceptions do you think there were about the deal back here in the United States?***

**JS:** Well the first thing that I would say is diplomacy is almost by definition the pursuit of imperfect outcomes. If you get everything you want and the other side gets nothing they want, that’s not a diplomatic negotiation, that’s surrender.

And so one of the things that I have always chafed at is this assertion that critics of the deal make which is we should have just gotten a better deal because I hear that and I think to myself sort of jokingly, “Oh a better deal, I didn’t think of that, I only thought our options were this deal and a worse deal, if only I had conceived of the possibility of a better deal. Well of course we would have gone and gotten that, you know.”

I say that kind of glibly, but the point I'm making is when you're sitting at the table in this context of imperfect outcomes, you have to decide at some point not did we get everything we want, but did we get what we need and is it the most we're going to get. And there is no mathematical formula for that. That's kind of a judgment call. And how do you know for sure if you should wait and push harder, or demand more, or what exactly the other side is prepared to give. You're feeling your way to that and it's incredibly improvisational and therefore for someone like me who likes to dot the i's and cross the t's, it's somewhat unsatisfactory as an exercise. It's a deeply human exercise and any diplomatic deal can be subject to the charge you should have done better. So that's one big thing.

The second big thing is that you really have to be able to put yourself in the other person's shoes not to sympathize with their perspective but to have some empathy for it. So I can think, and I do, that the current regime in Iran badly mistreats its people, supports chaos and violence and terrorism across the region, and is at odds with values I hold very dearly. But at the same time, I can have a clear-eyed view of how they see their nuclear program in the context of their national security strategy, and then you figure it out from there. It can't just be all ideology and all bluster and all kind of one-way transmission. And I think as Americans we tend not to be as good at being able to put ourselves in other people's shoes because we have a kind of "gee whiz" problem solving rationalist approach to all this stuff partly born of the fact that we've been more protected, wealthier, more sheltered than most other countries have been in modern geopolitics.

Our natural attitude is like, "Come on, get over it, just do it," rather than saying why is it you feel this way and what's driving your position. And I've learned a lot in the Iran deal about being able to occupy the other person's perspective and have that inform the way that we approach the strategy of negotiating.

***WO: Looking at how the U.S. and the globe as a whole is becoming more interdependent, do you see this as leading to more or less conflict?***

**JS:** I think both are possible. I mean the U.S.–China relationship is one good example of this. More interdependence raises the importance of various forms of cooperation: on climate change or epidemics or terrorism.

And so it creates incentives to find a way to have a floor under the relationship, but more interdependence can also breed more mistrust. So, the Huawei 5G debate is all about is their stuff going to be in our country in ways that are going to undermine our security. And so actually managing interdependence so that you keep separation where necessary and integration where it's effective, that's a hard thing, that's a balance you have to strike. And then more broadly more interdependence means you can create more common cause and common identity across borders and boundaries. But it also means that malign forces have more capacity to hold us all at risk whether it's terrorist

groups or cyber criminals or other nation states and more interdependence means the Russians can interfere in our election in a more effective way than maybe they could during the Soviet days. So it's not an unalloyed good or an unalloyed bad. It is a background condition of international relations that requires careful stewardship.

**WO:** *In the class that you're currently teaching, you had your students write a memo as an assignment about China. I assume that your personal views informed your decision to ask for this coursework. So, what do you think about how China views the international order?*

**JS:** I don't know to be completely honest with you. I'm actually working on a piece right now about my view of the U.S.–China relationship and one of the points that I'm trying to make in it is we have to build a strategy against a background of qualified ignorance. Which is to say it is possible as Hillary Clinton said yesterday in some of our classes that China is in domination mode both regionally and globally. That's possible. That's totally possible. I find when people make that argument that they have some credible basis to make it. It is also possible that China wants its due and wants to exercise a certain amount of leverage and influence but is not seeking to supplant the United States as the main provider of global public goods and does not want to step into the U.S.'s shoes globally. That's also possible. So, we need a strategy that allows us to flexibly adapt to either of those potential possibilities as more information becomes available to us over time. The other thing is in this qualified ignorance space it's possible that China is on an inexorable path to developed country status with ever increasing growth and technological innovation and strong political control. And it's also possible that it all falls apart very badly and catastrophically. And our strategy also has to be able to account for both of those possibilities without predicting with certitude which of the two are going to happen because we don't know.

The bottom line is that I worry more about the risk that we fulfill a self-fulfilling prophecy that China's out to get us, with all that that entails—the confrontation and potential conflict—than I worry about the risk that we hold open the possibility of coexistence in a more benign relationship and it turns out we were wrong.

Both of those are risks, but I think the risk of the self-fulfilling prophecy is a greater risk to the United States and it could end putting us into a completely self-defeating cycle that ends us up worse off ends the Chinese up worse off and ends up the rest of the world worse off. So, I am more in the mode of clear-eyed coexistence with China and finding a modus vivendi that kind of works for everyone. But ten years from now, China gets a vote in that and China may not want that, and we have to be prepared to adapt to an alternative reality.

*WO: Throughout multiple points in this discussion, you've alluded to very broad theoretical concepts that seem to inform some elements of specific, day-to-day decisions. I understand that this is a broad and general question, but—how do theoretical ideas apply to your decision-making process?*

**JS:** Well just to give you an example on the point I was making about putting yourself in the other person's shoes, like how does that actually play out in practice. So early on in the in the bilateral negotiations with the Iranians in Oman, I started pressing the Iranian side on what I thought was a fundamental deep inconsistency in their whole approach to the nuclear issue which was the whole thing made no economic sense. They're sitting on a massive reservoir of oil and gas and they're pouring billions of dollars into developing nuclear power. I mean this is not a country that has cared deeply about climate change, so what gives with that? And even if they were going to decide to go from a gas-powered electricity grid to a nuclear-powered electricity grid, you can go on the market and buy a nuclear power plant from a known supplier and not spend billions of dollars. This would be like you building your washing machine from scratch rather than going down to Maytag and getting it.

I put this to them, I was like what gives here. You know this is why we think you want nuclear weapons not a civilian nuclear program. And their answer was interesting, they said, 'How much did you guys spend on the space program in the 60s, the Apollo program to go to the moon?' And I was like "I don't know." And they said, "Would you agree it's probably in today's dollars billions of dollars?" And I said, "Yeah I mean sure probably is." "So you spent billions of dollars to build rockets to go to the moon and what economic sense did that make? You got some moon rocks and some tang out of it or whatever, but not a lot else."

And they said that that was their view—mastering the nuclear fuel cycle being able to enrich uranium is joining the Big Kids Club. They didn't use that phrase but it's a narrative of national scientific achievement and it matters to our people, it's a source of pride. We did this, self-sufficiency; we did it on our own, we did it against the pressures of the imperialist powers and so forth and it matters to us.

And I heard that and I thought, you know, we do caricature all of this. Do I believe that Iran was pursuing this in order to have the option to get a nuclear weapon? Absolutely I do and we have, I think, rock solid evidence to show that there was a weapons-based purpose to this program, so I'm not saying that didn't exist, but there was a second purpose too that was not a pure lie. Which was this idea that had become suffused through the population of Iran that now the nuclear program matters for another reason too which is "It's ours and we did it and we have scientific greatness as a result of it." And if you don't understand that as a nuclear negotiator, and I think a lot of Americans don't understand that, it just becomes a lot

harder to figure out how you're going to get to a solution. So that's an example of where in the real world probing and trying to figure out what is actually the motivation here and there can be multiple motivations at once as I think there are in respect to Iran's nuclear program actually has a direct bearing on your ability then to say "OK we'll start from that baseline and now we're trying to get to a deal."

**WO:** *How would you describe your experience here at Dartmouth as a Montgomery fellow?*

Oh, it's been awesome. I've really enjoyed teaching both because it has forced me to think more rigorously about the hard questions I'm grappling with and because when I cover a given subject and I hear the responses of students and the questions from students that also triggers additional thinking so it's a huge benefit to me in that respect. And then getting to engage with this incredible array of faculty. Part of being Montgomery fellow you have these dinners where you'll have someone who's an expert in Japanese horror film sitting next to someone who is an expert on HIV/AIDS and tuberculosis and trying to eradicate it next to somebody who has just finished a six-hour snowshoe through the white mountains and is an expert in astronomy. And that can all be just one dinner; and the synapses that start firing as a result of those kinds of interactions, it's just sort of not something that you can get going in almost any other context. Additionally, I grew up in Minnesota, so I also like these kinds of winters a lot, and I love skiing. So that's that was great too. And now [in the spring,] it's just beautiful.

**WO:** *Going off that, what questions or ideas, if any, have you been playing with that you maybe would've had chance [to] if you were in DC or the applied world just because of you being around these academics or students?*

**JS:** Well I'm teaching a class this term called the future of the international order. And, it can be frustrating at times I think because it's asking such fundamental questions for which there often aren't really good answers, it's more just kind of teeing up the questions. But even that exercise of going from the impact of great power competition to the impact of technology to the impact of particular functional areas like climate change, the proliferation of nuclear weapons, changes in the global trade and financial system, marching through that over the course of 10 weeks with all the readings that come behind it and the discussions and the preparation is like running a policy process of sorts—a grand strategic policy process—that also involves interaction with a bunch of other brains who are coming at it a little more fresh obviously than I am but have their own perspectives and thoughts on it that kind of surface tensions and hard questions and the like. And I can't think of many other ways to get that done that would be as effective or as interactive or as fun because there's a human dimension to it, you're engaging with other human beings rather than just sitting there and kind of working it out all by yourself.

*WO: And so do you have any advice for undergraduates who are interested in pursuing a career in the field of international relations after graduation, and how can they make most of their undergraduate experience with that mind?*

**JS:** I guess I'd say three pieces of advice. The first is find mentors, one thing that gave me opportunities were from college internships, people I worked for. I worked for someone at the Council on Foreign Relations a decade before I started doing foreign policy with Hillary Clinton and he was the reason, through a few different connections, that I ended up getting that job. And that's not to say just think "network." Because if all you care about is, "I got make this relationship to get that thing," you'll get found out and there's going to be a ceiling on your success. But if you invest in relationships with people you're really passionate about learning from, not only will you become better and smarter and more capable, but those people will be your champions in positive ways. That's the first thing. The second thing is, before making a decision about graduate school of any kind, actually use the years after college to explore and experiment and do the kinds of things that ten, twenty years later become a lot harder for you to do. Go to a country you're passionate about and work there. Go work on an issue that you really care about with an organization that maybe you don't think you're going to have a career in, but heck this would be just an awesome opportunity. Take the time before making further decisions. A lot of people are in a rush and I promise you nobody hits 40 and looks back and is like "Man I wish I'd gotten into law school or grad school a lot faster." They think why didn't I take three more years in my early 20s and a) have fun but b) really stretch my limits.

And then the third thing is that it's really important to decide which aspect of international relations really motivates or inspires you. It's a broad umbrella. Going into intelligence is very different from going into diplomacy, is very different from going into defense, is very different from going into advocacy in a nongovernmental organization. And I'm not saying you should pick a silo and just stay in it your career, by no means, crossing over those I think actually makes for a better career. But kind of thinking about where your main thrust is going to be in reflecting on that what moves you is an important thing to explore early on because it will tell you a lot about both what you think you're good at and what you're passionate about. So those would be some pieces of advice.

## SANCTION SUCCESS: HOW SANCTIONS LED TO THE IRANIAN NUCLEAR DEAL

Madeleine Sach

Increasingly, leaders are quick to resort to economic sanctions to coerce favorable policy outcomes. However, sanctions tend to have a low success rate. Despite this, sanctions used by the international community against Iran in the 2000s were effective in realizing the Iranian Nuclear Deal. Sanctions against Iran are an important case study to determine what conditions lead to the successful application of sanctions. In the case of Iran, these factors were multilateral support from the international community, legitimacy through an international institution, the targeted nature of the sanctions, clearly articulated policy goals, aggressive enforcement, and factors of timing and context.

The efficacy of coercive economic sanctions has been highly debated among academics and policymakers alike. Despite their low success rate, economic sanctions are becoming increasingly popular among policymakers. The use of economic sanctions by the U.S., EU, and other independent states against Iran since 2006 is one of the few success stories. It is important to investigate what drove their success in order to continue to implement successful sanctions in the future. The use of sanctions to compel Iran to scale back its nuclear weapons program was successful because of their multilateral support, the backing of an international institution, its targeted nature, clearly articulated policy goals, aggressive enforcement, and their timing and context.

A broad multilateral coalition, legitimized through the support of the UN, was essential to the success of sanctions against Iran. International cooperation helped overcome the issue of relatively low trade flow between Iran and the U.S. and gave the sanctions legitimacy that helped to prevent backsliding (Drezner 2000, 98). This can be examined by comparing U.S. sanctions implemented against Iran first unilaterally by the U.S. in 1979 and then subsequently with broad support in 2006. Prior to sanctions in 1979, there was only minimal trade between the U.S. and Iran. For sanctions to “bite,” the sender state and the target state must have high pre-sanctions trade (Van Bergeijk and Biersteker 2015, 19). If economic interdependence between the two states is relatively low, then the target state can evade the pain of sanctions by continuing or developing trade with other states. In response to these first sanctions, Iran simply strengthened trading relationships with other actors, particularly oil importers in Asia, to offset the costs of sanctions. (Maloney 2014). The ability of Iran to continue business as usual with the rest of the world undercut the effectiveness of these first sanctions.

The referral of the Iranian nuclear issue to the UN Security Council in 2006 prompted other states, who had been wary to impose sanctions, to join the U.S. Work-

Madeleine Sach is a proud member of the Dartmouth College Class of 2021, double-majoring in Quantitative Social Science and Chinese. She is *World Outlook's* Senior Editor in Publishing.

ing through the UN helped to legitimize the sanctions and prevented backsliding from other member states that might otherwise undercut the effectiveness of unilateral sanctions by “reassuring states that a cooperative equilibrium will be maintained” (Drezner 2000, 98). This meant that if states were invested in the UN as an institution, they would be more likely to consider implementing sanctions, or at least not providing a backdoor against the sanctions to Iran (Drezner 2000, 98). Over the next eight years, the EU, Canada, Japan, and South Korea also imposed oil embargoes or broader sanctions. By removing key oil importers as possible trading partners, the embargo helped to limit the extent to which Iran could offset oil sales to other third parties. Danielle Pletka, a specialist on the Middle East for the American Enterprise Institute, spoke to the significance of the EU imposing an embargo on Iranian oil, saying “when the Europeans came on board and decided not to buy, it had a huge impact and it cut by more than half Iran’s ability to sell” (Berliner 2013). According to Drezner, multilateral coalitions backed by international institutions also increase the likelihood that the target state will relent, writing “target states will offer concessions to institutionalized sanctions, whereas they are more tempted to wait out ad hoc coalitions” (Drezner 2000, 98).

The multilateral sanctions were furthered strengthened by their targeted nature. In 2012, the Obama Administration further targeted the sanctions against Iran, implementing “smart sanctions” to essentially cut Iran off from the world economy. Not only were domestic companies prohibited from trading with Iran, but foreign companies were told to choose to trade either in U.S. markets, with access to payment in U.S. dollars, or with Iran (Feaver and Lorber 2015). These targeted sanctions made it both legally and reputationally risky to trade with Iran; foreign firms had to weigh losing access to the world’s largest financial market or cutting off ties with Iran. Unsurprisingly, almost all chose the latter (Maloney 2014). In April of 2012, the EU followed the U.S. example of harsh, targeted sanctions by blocking Iran from the global clearing system used by banks to process financial transactions. Iran’s economy was heavily dependent on the sale of natural resources; by preventing Iran from using its banks, the EU made it impossible for Iran to collect on its sales (Berliner 2013).

Another important factor in the success of sanctions against Iran was the willingness of states to enforce threats. One of the difficulties of coercive diplomacy is making threats credible; it is easy enough for the sender state to impose sanctions, but the difficulty of enforcement can nullify the effects (Art and Greenhill 2018, 84). Successful implementation of sanctions relies on a state’s “political will” which can be seen by it “devoting resources to sanctions implementation, active monitoring and enforcement activities, and by a visible willingness by the senders to bear the costs of the measures (Van Bergeijk and 2015, Biersteker 25).” The U.S. Treasury Department met over 145 banks in more than 60 countries to warn them of the costs of engaging in business with Iran. The Department pursued both U.S. and foreign banks for violations of sanctions against Iran; Barclays Bank was fined \$176 million, ING Bank \$619 million, and HSBC Bank \$375 million for violating sanctions laws (Gordon 2013). The isolating effect of the sanctions coupled with

strict enforcement led to economic devastation for Iran. U.S. Secretary of the Treasury, Jacob Lew, estimated in 2015 that Iran's economy shrunk 15-20% due to the strengthening of sanctions in 2012. Iran's currency, the Rial, dropped by 56% between January 2012 and January 2014, inflation reached 40% in the same period, and the unemployment rate increased to an estimated 20% (Smeets 14). The sale of oil, which was responsible for 20% of Iran's GDP, had been cut in half, costing Iran \$160 billion U.S. dollars in revenue between 2012 and 2015 (Gordon 2013).

The ability of the sender to clearly articulate realistic, clear policy goals is essential to success. Even if sanctions have a strong economic impact, if the sender state asks too much or is vague about its policy goals, the target state may fail to comply. As written by Smeets, a fellow at the World Trade Organization, "the absence of clearly defined and specific objectives of many sanctions episodes [may come] with the logical consequence that sanctions often stay in place for longer than necessary" (Smeets 2018, 8). The ambiguity of goals can be confounded by a multilateral coalition; with multiple actors imposing sanctions, the primary goal can be lost, leading to target states waiting out sanctions (Van Bergeijk and Biersteker 2015, 25). The U.S. was able to overcome this ambiguity by acting as the leader of the international community. The goals of sanctions against Iran were clearly articulated; the international community was pressing the regime to end its uranium enrichment program and to block its access to nuclear-related materials (Smeets 2018, 13).

The goals also included framing the lifting of sanctions as a positive inducement for Iran to act. Iran understood that by coming to the negotiating table, economic hardship would end (Van Bergeijk and Biersteker 2015, 23). Evidence of this can be seen by shifting public opinion and the changing priorities of the Iranian Government. Although Iran is not a true democracy, Iranians do elect the supreme leader from a list of pre-approved candidates. In 2013, Hassan Rouhani ran on a strict mandate of freeing Iran from sanctions and working towards economic repair, even if it meant an end to the nuclear program. Some critics of sanctions in Iran argue that it was not the sanctions themselves that ultimately brought Iran to the negotiating table, but that regime change independently brought change. However, as Drezner argues, "The economic pressure from these sanctions contributed to Rouhani's 2013 election victory, the November 2013 interim nuclear agreement, and the July 2015 announcement of a final deal" (Drezner 2015, 759). The supreme leader, Ayatollah Ali Khamenei, a hardliner and staunch advocate of the nuclear program, ultimately agreed to Rouhani's candidacy and approved his election because of the economic devastation caused by the sanctions (Fishman 2017).

Aside from how the sanctions were crafted and enforced, it is also important to identify factors of timing and context that also contributed to their success. First, the expansion of U.S. oil and gas production was imperative to successful sanctions in Iran. Major technological advancements allowed the U.S. to access previously unattainable petroleum resources domestically and to become a significant producer of oil to offset the absence of Iranian oil in the global market. This meant the interna-

tional community was able to target Iran's primary revenue stream without bearing heavy costs to their consumers and the global economy (Maloney 2014). Secondly, the election of hardliner Ayatollah Ali Khamenei in 2005 and the rigging of his 2009 re-election gave further justification for the U.S. to pressure other nations to join in with sanctions. Lastly, democracies tend to be more responsive to sanctions than autocracies (Van Bergeijk and Biersteker 2015, 24). While Iran is not quite a democracy, the ability of the public to pressure the government and elect a new regime was certainly important in Iran's response to the sanctions (Fishman 2017).

Some critics argue that sanctions were not truly successful in Iran because they led to further resentment of the West in the region, and the episode will work against U.S. foreign policy interests in the future (Macaluso 2014). Others claim that it is impossible to isolate the effect of sanctions alone and that other diplomatic measures ultimately brought Iran to the table. Some argue that Iran was never truly attached to its nuclear program, and the sanctions did not have a big impact (Smeets 2018, 14). However, it is hard to refute the reason that Iran was brought to the negotiating table and signed the Iranian Nuclear Deal was, at least, in part due to the imposition of sanctions, whether working on their own or in tandem with other means, that resulted in the U.S. realizing its policy goals.

**BIBLIOGRAPHY**

---

- Art, Robert J., and Kelly M. Greenhill. 2018. "The Power and Limits of Compellence: A Research Note." *Political Science Quarterly* 133, no. 1: 77–97. <https://doi:10.1002/polq.12738>.
- Berliner, Uri. 2013. "Crippled By Sanctions, Iran's Economy Key In Nuclear Deal." NPR. [www.npr.org/2013/11/25/247077050/crippled-by-sanctions-irans-economy-key-in-nuclear-deal](http://www.npr.org/2013/11/25/247077050/crippled-by-sanctions-irans-economy-key-in-nuclear-deal).
- Drezner, Daniel W. 2015. "Targeted Sanctions in a World of Global Finance." *International Interactions* 41, no. 4: 755–764. <https://doi:10.1080/03050629.2015.1041297>.
- Drezner, Daniel W. 2000. "Bargaining, Enforcement, and Multilateral Sanctions: When Is Cooperation Counterproductive?" *International Organization* 54, no. 1: 73–102. <https://doi:10.1162/002081800551127>.
- Feaver, Peter D., and Eric B. Lorber. 2015. "The Sanctions Myth." *The National Interest*. 15 June. [nationalinterest.org/feature/the-sanctions-myth-131110?nopaging=1](http://nationalinterest.org/feature/the-sanctions-myth-131110?nopaging=1).
- Fishman, Edward. 2017. "Even Smarter Sanctions." *Foreign Affairs*. 27 November. [www.foreignaffairs.com/articles/2017-10-16/even-smarter-sanctions](http://www.foreignaffairs.com/articles/2017-10-16/even-smarter-sanctions).
- Gordon, Joy. 2013. "The Human Costs of the Iran Sanctions." *Foreign Policy*. 18 October. [foreignpolicy.com/2013/10/18/the-human-costs-of-the-iran-sanctions/](http://foreignpolicy.com/2013/10/18/the-human-costs-of-the-iran-sanctions/).
- Macaluso, Agnese. 2014. "The Apparent Success of Iran Sanctions." *The Hague Institute for Global Justice*: 1–28. [www.thehagueinstituteforglobaljustice.org/working-paper-2](http://www.thehagueinstituteforglobaljustice.org/working-paper-2)
- Maloney, Suzanne. 2014. "Why 'Iran Style' Sanctions Worked Against Tehran (And Why They Might Not Succeed with Moscow)." *The Brookings Institution*. 21 March. [www.brookings.edu/blog/markaz/2014/03/21/why-iran-style-sanctions-worked-against-tehran-and-why-they-might-not-succeed-with-moscow/](http://www.brookings.edu/blog/markaz/2014/03/21/why-iran-style-sanctions-worked-against-tehran-and-why-they-might-not-succeed-with-moscow/).
- Smeets, Maarten. 2018. "Can Economic Sanctions Be Effective?" *WTO Working Papers*: 1–19. <https://doi:10.30875/0b967ac6-en>.
- Van Bergeijk, Peter A.G., and Thomas Biersteker. 2015. On Target? "EU Sanctions as Security Policy Tools." *European Union Institute for Security Studies*. [https://www.iss.europa.eu/sites/default/files/EUISSFiles/Report\\_25\\_EU\\_Sanctions.pdf](https://www.iss.europa.eu/sites/default/files/EUISSFiles/Report_25_EU_Sanctions.pdf).