

**AKO NA UCHE**  
**(WISDOM AND JUSTIFIABILITY)**  
**Of Preemptive-strike in Self-defense**  
**And Alternative Conflict Resolutions**

**Inaugural Dissertation**  
**zur Erlangung akademischen Grades eines**  
**Doktors der Theologie**

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eingereicht von

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## **Abbreviations**

AA Aburi Accord

AAAT Afro-Arab Abbala Tribes

AIDS Acquired Immune Deficiency Syndrome

AMIS

AN Active Nonviolence

AR Arab League

ASAS Association of Southeast Asian States

ATB Abubakar Tafawa Belewa

AU African Union

BBC British Broadcasting Corporation

BS Biafran Secession

Bush 43<sup>rd</sup> refers to President George Walker Bush, the 43rd President of the United States

CBN Central Bank of Nigeria

CCC Catechism of the Catholic Church

CDF

CIA Central Intelligence Agency

CIO Chief Information Officer

CMC Cuban Missile Crisis

CNN Cable Network News

COTW Coalition of the Willing

COV Congress of Vienna

CPC Communist Party of China

CPD Center on Public Diplomacy

CRC Committee of the Red Cross

CT Catholic Teaching

CW Cold War

Deut Book of Deuteronomy

DI Diplomatic Immunity  
DM Diplomatic Mission  
DPRK Democratic People's Republic of Korea  
DV Donum vitae  
DVC Documents of the Vatican Council  
EAEA Equally Authentic and Equally Authoritative  
Ecclesiastes Book of Ecclesiastes  
ECK Electoral Commission of Kenya  
EDR European Diplomatic Revolution  
EE Eudemian Ethics  
EU European Union  
EV Evangelium vitae  
Ex Exodus  
FIFA Federation of International Football Associations  
FRL Foreign Relations Law  
FSC Face-Saving Cause  
GB Great Britain  
Gn Genesis  
GS Gaudium et Spes  
HD Hard Power  
HM Human Rights  
HO Hippocratic Oath  
IAEA the International Atomic Energy Agency  
IDP Internally Displaced Persons  
IGO International Governmental Organizations  
IN Interpretative Notes  
INGO International Non-Governmental Organizations  
IO International Organization  
IRBMs Intermediate-Range Ballistic Missiles

Isaiah Book of Isaiah  
JEM Justice and Equality Movement  
Joshua Book of Joshua  
JWT Just War Theory  
KMT Kuomintang  
LC Library of Congress  
LEV Book of Leviticus  
LF Linkage Form  
Mark Gospel according to Mark  
Matthew Gospel according to Matthew  
MDC Movement for Democratic Change  
MEA Ministry of External Affairs  
MFA Ministry of Foreign Affairs  
MI6 Military Intelligence, Section 6  
MLK Martin Luther King  
MRBMs Medium Range Ballistic Missiles  
MRG Minority Rights Group  
MSNBC Microsoft/National Broadcasting Company  
MUN Member of the United Nations  
NATO North Atlantic Treaty Organization  
NBW Nigerian-Biafran War  
NBCW Nigeria-Biafra Civil War  
NCW Nigerian Civil War  
NDIGBO One of the three largest ethnic groups in Nigeria – others being the Hausa and the Yoruba  
NE Nicomachean Ethics  
NE&EE Nicomachean Ethics and Eudemian Ethics  
NGO Non-Governmental Organization  
NIE National Intelligence Estimate

NITRD Networking and Information Technology Research and Development  
NPP Nobel Peace Prize  
NR Nigerian Republic  
NRC Nigerian Reconciliation Commission  
NSS National Security Strategy  
NT New Testament  
OAS Organization of American States  
ODS Operation Desert Storm  
OIF Operation Iraqi Freedom  
OT Old Testament  
PE Political Ethics  
PRC People's Republic of China  
PUN Purposes of the United Nations  
RC Red Cross  
ROC Republic of Cuba  
RE Religious Ethics  
RPF Rwandan Patriotic Front  
RTL  
SARS Severe Acute Respiratory Syndrome  
SD Self-Defense  
SE Social Ethics  
SIPRI Stockholm International Peace Research Institute  
SLM/A Sudan Liberation Movement/Army  
SmtP Smart Power  
SNART Strategic Nuclear Arms Reduction Treaty  
SP Soft Power  
SPD Smart-Power Diplomacy  
START New Strategic Nuclear Arms Reduction Treaty  
STh Summa Theologia

TA Thomas Aquinas  
TCRM The Civil Rights Movement  
TDR Treaty on Diplomatic Relations  
TWQ The Washington Quarterly  
UE Use of Euphemisms  
UMI Use of Monetary Incentive  
UN United Nations  
UNAMIR United Nations Assistance Mission for Rwanda  
UNC United Nations Charter  
UNCA United Nations Charter Articles  
UNCDII United Nations Conference on Diplomatic Intercourse and Immunities  
UNO United Nations Organization  
UNPFHR United Nations Prize in the Field of Human Rights  
UNSC United Nations Security Council  
UNSCOP United Nation Special Committee on Palestine  
UNSCR United Nations Security Council Resolution  
UNSCTNNW United Nations Security Council Treaty on Non-Proliferation of Nuclear Weapon  
US United States  
USA United States of America  
USC United States Congress  
USFCPMT U.S.-funded Civilian Protection Monitoring Team  
USSR Union of Soviet Socialist Republics  
VC Vatican City  
VCDR Vienna Convention on Diplomatic Relations  
VCLT 1969 Vienna Convention on the Law of Treaties, 1969  
VI Vacuum of Information  
WMD Weapons of Mass Destruction  
WNWC War of Necessity and War of Choice

WS Wise Saying

WTO World Trade Organization

WWII World War II

ZANU Zimbabwe African National Union (Patriotic Front)

I Chronicles First Book of Chronicles

2 Chronicles Second Book of Chronicles

I Samuel First Book of Samuel

## **0. General Introduction**

### **0.1 The “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense**

The “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense and Alternative Conflict Resolutions is an ethical examine on man’s inherent right of self-defense, not only as a right that is innate, but also as an individual’s or a nation’s right enshrined in, and guaranteed by the Charter provisions of the United Nations.

Stemming from the painful experience of the First and Second World Wars, nations wishing never again to engage one another in such full scale wars of destruction, met in San Francisco, California, accepted the formation of a new organization, the United Nations, to replace the League of Nations considered as ineffectual. The participating nations articulated a set of guiding principles in the form of rules, rights and responsibilities endorsed by all the early member-nations on June 26, 1945, but effective from October 24, same year. This is the birth of the United Nations Charter.

With the endorsement of the Charter, all member-nations assumed the responsibility of making the world a better place, peaceful and secure for humanity. They vowed never again to engage in unethical wars, they accepted to respect and foster human rights, to fight poverty, to spread democracy and to promote more healthy and robust international relations through a more vibrant cooperation and aggressive diplomacy. The Charter also reaffirmed the intrinsic right of self-defense of the victim of an armed attack, which sometimes has been utilized as well as exploited.

#### **0.1 “Akọ na Uche”: What it is**

“Akọ na Uche” is an expression of Ndigbo<sup>1</sup> that sums up special attributes like discernment, insight, sound-judgment, tact, thoughtfulness, and to a great extent, the wisdom and justifiability of an action. In the culture of Ndigbo, one endowed with these special attributes is recognized as wise. It depicts maturity of mind and showcases one’s ability to make informed judgment and decision. Ndigbo believe that “Akọ na Uche bu Akụ” - meaning that discernment, insight, sound-judgment, tact, thoughtfulness are the foretaste of intellectual wealth that ensure a wholesome well-being of the endowed individual.

These special attributes are not only diligently sought after as priceless pearls, but their non-presence constitutes a deficient mind. Conversely, an imprudent person is said to lack “Akọ na Uche”. In a nutshell, “Akọ na Uche” is that ability to be prudent and tactful in words and actions. It is that discernment that enables one to avoid wrong judgment and misstep that might lead to blunder or doom. Thus, “Akọ na Uche” as used in this work, is the adoption of this analytic expression of Ndigbo in examining the wisdom and justifiability of preemptive-strike, a military option employed by a member of the UN in self-defense against threats or acts of aggression.

## **0.2 Rationale for United Nations Formation**

The rationale for the formation of the United Nations in 1945, after the horror of the First and Second World Wars, is to save mankind from destroying herself, and to stop the reoccurrence of such devastating wars. Member-nations consented “to practice tolerance and live together in peace [...], to maintain international peace and security, and to ensure [...] that armed force shall not be used”.<sup>2</sup> Nations resolved “to maintain international peace and security, [...] to

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<sup>1</sup> Ndigbo represents one of the three largest ethnic groups in Nigeria – others being Hausa, Yoruba, etc.

<sup>2</sup> Charter of the United Nations and Statute of the International Court of Justice, San Francisco, Preamble, June 26, 1945, p. 2.

take effective collective measures for the prevention and removal of threats to the peace, [...] the suppression of acts of aggression [...], to bring about by peaceful means [...] adjustment or settlement of international disputes or situations which might lead to a breach of the peace; to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, [...] and to be a center for harmonizing the actions of nations in the attainment of these common ends.”<sup>3</sup> Among the many Articles in the Charter of the United Nations, the following are extensively cited in this work: Articles 2, 39, 40, 41, 42 and 51.

### **0.2.1 Article 2: On Responsibilities of Member-Nations**

Article 2 recounted the responsibilities of member-nations thus: “All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered; [...] shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”<sup>4</sup>

### **0.2.2 Article 39: On Threats to and Breach of Peace and Acts of Aggression**

Article 39 emphasized that “The Security Council shall determine the existence of any threat to the peace, breach of the peace, or act of aggression and shall make recommendations, or decide what measures shall be taken in accordance with Articles 41 and 42 (see sections 0.2.4 and 0.2.5 below on what Articles 41 and 42 say), to maintain or restore international peace and security.”<sup>5</sup>

### **0.2.3 Article 40: On the need for Dialogue and Diplomacy**

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<sup>3</sup> Ibid, Article 1, p. 3.

<sup>4</sup> Ibid, Article 1, p. 3.

<sup>5</sup> Ibid, Article 39, p. 9.

Article 40 recommends the pursuance of dialogue and diplomacy in conflict resolutions. It says: “In order to prevent an aggravation of the situation, the Security Council may, before making the recommendations or deciding upon the measures provided for in Article 39, call upon the parties concerned to comply with such provisional measures as it deems necessary or desirable. Such provisional measures shall be without prejudice to the rights, claims, or position of the parties concerned. The Security Council shall duly take account of failure to comply with such provisional measures.”<sup>6</sup>

#### **0.2.4 Article 41: On the use of Sanctions**

Where dialogue and diplomacy fail in resolving the conflict, Article 41 recommends the use of sanction: “The Security Council may decide what measures not involving the use of armed force are to be employed to give effect to its decisions, and it may call upon the Members of the United Nations to apply such measures. These may include complete or partial interruption of economic relations and of rail, sea, air, postal, telegraphic, radio, and other means of communication, and the severance of diplomatic relations.”<sup>7</sup>

#### **0.2.5 Article 42: On the use of Military Force**

If the conflict could not be resolved through diplomacy, then sanctions are imposed. And if the imposed sanctions are seen as inadequate, Article 42 says: “Should the Security Council consider that measures provided for in Article 41 would be inadequate or have proved to be inadequate, it may take such action by air, sea, or land forces as may be necessary to maintain or restore international

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<sup>6</sup> Ibid, Article 40, p. 9.

<sup>7</sup> Ibid, Article 41, p. 9.

peace and security. Such action may include demonstrations, blockade, and other operations by air, sea, or land forces of Members of the United Nations.”<sup>8</sup>

### **0.2.6 Article 51: On the Inherent Right of Self-Defense**

Recognizing an individual’s or a nation’s inherent right of self-defense in the face of aggression, Article 51 reiterated: “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”<sup>9</sup> However, in the exercise of her inherent right of self-defense, whatever measures deployed by such member in the face of aggression to defend herself should be “[...] immediately reported to the Security Council”, the bedrock of diplomatic activities in the UN<sup>10</sup>, whose duty it is to take “[...] such action as it deems necessary in order to maintain or restore international peace and security.”<sup>11</sup>

### **0.3 United Nations Security Council: A Watch-dog**

The UN Security Council serves as the world police and enforcer of laws. It determines the existence of any “threat to peace, breach of peace, or acts of aggression”. The UN Security Council makes recommendations to the UN General Assembly, or decides on what measures are appropriate in the maintenance of international peace and security.<sup>12</sup> It also has the authority to impose sanctions on erring members as it considers appropriate.

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<sup>8</sup> Ibid, Article 42, p. 9.

<sup>9</sup> Ibid, Article 51, pp. 10-11.

<sup>10</sup> UN represents United Nations.

<sup>11</sup> Charter of the United Nations, Article 51, pp. 10-11

<sup>12</sup> Ibid, Article 39, p. 9.

Article 40 of the UN Charter (UNC)<sup>13</sup>, nonetheless, instructs that “in order to prevent an aggravation of the situation”, the Security Council, as the watch-dog of the UN, could invite the disputing parties, requesting them “to comply with such provisional measures, as it deems necessary or desirable”<sup>14</sup> devoid of “prejudice to the rights, claims, or position of the parties concerned”,<sup>15</sup> and to impose sanctions should the disputing parties fall short of complying with such provisional measures. When sanctions fail to achieve the desired objectives, that is, the restoration of international peace and security, military force may be used.<sup>16</sup> In essence, the Security Council makes sure that the purposes and objectives of the United Nations are realized.

As pointed out earlier, the UN Charter stipulated explicitly that “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”<sup>17</sup> Nonetheless, the possible exploitation of the Charter provision on who the actual victim of an armed attack is, whose intrinsic right it is to defend oneself in the face of actual armed attack, could lead to bogus interpretation of the Charter provisions, thereby presenting a paradox on the Charter’s actual intention, and who the real victim of an armed attack should be.

#### **0.4 Existent Political and Diplomatic Complexity**

Determining who the actual victim of an armed attack is, who eventually has the right of self-defense, is an issue that has become an enormous political and diplomatic complexity. And why should this political and diplomatic complexity

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<sup>13</sup> UNC represents United Nations Charter

<sup>14</sup> Charter of the United Nations, Article 42, p. 9.

<sup>15</sup> Ibid, Article 40, p. 9.

<sup>16</sup> Ibid, Article 42, p. 9.

<sup>17</sup> Ibid, Article 51, pp. 10-11.

exist in the first place irrespective of the explicit nature of the United Nations Charter on the dos and don'ts?

Article 2:4 of the Charter stipulated that “All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations.”<sup>18</sup> The sole aim of this stipulation that nations refraining from threat or use of force against one another is to guarantee world's peace and security. Well framed, one would say. However, it would be naïve to take this stipulation at face-value, since the world in its present shape and form is an imperfect combination of cultures, mentality, world views, aspirations, perceptions, and the likes, making it all the more difficult to eschew threats and use of force entirely.

### **0.5 Intrinsic Right of Self-Defense**

The imperfection of the world notwithstanding, Article 51 stipulates that “Nothing in the present Charter shall impair the inherent right of individual or collective self-defense if an armed attack occurs against a Member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security.”<sup>19</sup>

The right of self-defense prior to the Security Council's decision on what measures are necessary “in the maintenance of international peace and security”<sup>20</sup> is a natural right and guaranteed by United Nations Charter. Nonetheless, whatever measures taken by a member nation in the exercise of her right of self-defense, preemptive-strike for instance, “shall be immediately reported to the Security Council” who independently scrutinizes such measures,

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<sup>18</sup> Ibid, Article 2:4, p. 3.

<sup>19</sup> Ibid, Article 51, p. 10-11.

<sup>20</sup> Ibid, Article 51, p. 10-11.

and determines if at all such measures qualify as action in self-defense. This emphasis therefore, affirms the Security Council's responsibility as the world's chief security officer whose duty it is "to take at any time such action as it deems necessary in order to maintain or restore international peace and security".<sup>21</sup>

## **0.6 Concept of Preemptive-strike**

Preemptive-strike is one of such military actions that could be employed in the maintenance of international peace and security. The conventional understandings of preemptive-strike in self-defense include a military action out of necessity to counter an act of aggression as to prevent the cost of inaction. Present-day threats, terrorism for one, are enormously complex and challenging. Unarguably, they have to be taken more seriously to mitigate the risk of inaction. However, in a situation whereby two contrasting parties claim to have acted against each other in self-defense, determining the real victim of an armed attack, who has the right of self-defense, could sometimes prove an uphill task.

## **0.7 Means Justifies the End**

The thoughts of great Greek philosophers like Socrates, Aristotle and Hippocrates could be of help here. These philosophers upheld that the means justifies the end, and not the other way round. They emphasized the importance and application of virtue in all human endeavors.

Socrates, for one, believed that "the unexamined life is not worth living."<sup>22</sup> On his trial and conviction as a heretical teacher in Athens, he chose death as a demonstration of virtue and as a means of furthering the public discussion on life matters. In a world whereby many would want to – believe that the end

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<sup>21</sup> Ibid, Article 51, p. 10-11.

<sup>22</sup> Socrates, in Plato, Dialogues, Apology 38a, Greek Philosopher in Athens, 469 BC – 399 BC.

justifies the means, Socrates' famous saying of all time, that an "unexamined life is not worth living", esteemed the means as more virtuous than the end.

Aristotle's Nicomachean and Eudemian Ethics (NE&EE), great philosophical works on virtue and moral character,<sup>23</sup> all emphasized how important the means is to an end. Also the renowned Hippocratic Oath (HO)<sup>24</sup> – "[...] the promise that doctors make to keep to the principles of medical profession"<sup>25</sup> – guide medical practitioners along ethical standards: "above all do no harm". Drawing from the wealth of the Hippocratic Oath as it relates to the use of military force, it would be proper to say that actions taken in self-defense must be ethical and based on morality; and that in contemplating taking an action in self-defense, it is not just the end that would be important, the means to that end is as important as the desired end. In making considerations on what means would be more appropriate toward arriving at the desired end, the code of Ethics, that is, a system of principles governing morality and acceptable conduct must be adopted.<sup>26</sup>

## **0.8 What is and What Ought to Be**

Ethical practices, however, could sometimes hit an enormous obstacle arising from the tension between "what is" and "what ought to be". This tension skyrockets the more in a situation whereby the result of an action is foreseeable and the end predictable. Let us clarify more by means of an illustration.

### **0.8.1 Illustration**

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<sup>23</sup> Woods, M., Aristotle's Eudemian Ethics: Books I, II, and VIII, Clarendon Press 1982, p. xii.

<sup>24</sup> HO represents Hippocratic Oath.

<sup>25</sup> Hornby, A. S., Oxford Advanced Learner's Dictionary of Current English, Sally Wehmeier et tal., Sixth Edition, Oxford University Press, Oxford New York, 2003, pp. 427 and 614.

<sup>26</sup> WordNet: An Electronic Lexical Database, Christiane Fellbaum, ED. May 1998, ISBN-10: 0-262-06197-X, <http://wordnet.princeton.edu/perl/webwn?s=word-you-want>.

Let us imagine the situation of a family under an armed attack, whereby an armed-to-the-teeth person aggressively storms into a family and demanded the whereabouts of the inmates. Though many would argue that appearance deceives, the appearance of this armed-to-the-teeth person and his aggressive intrusion into this family, speak louder than voice. Telling him the whereabouts of the inmates is the right answer to his question. In fact, it is virtuous to always say the truth. However, telling the truth in this context could result in assassination, thereby contradicting the Hippocratic injunction which says: “Above all, do no harm”.<sup>27</sup>

This is the dilemma between “what is” and “what ought to be”. Despite the fact that lying is unethical, refusing to say the whereabouts of the sought-after inmates could simply save lives. Hence, telling lies in this context would, therefore, be a lesser evil. “St. James Ethics Centre”, an Australian based independent and nonprofit organization committed to the promotion and exploration of Ethics, called it “the least bad alternative”. The features of ethics, according to “St. James Ethics Centre”, is not in the form of “black and white” rather in the “shades of grey”, reminding us that “[...] we need to accept the limits to certainty when trying to decide how best to proceed.”<sup>28</sup>

### **0.8.2 Well-Informed Conscience**

Since the “limits to certainty” would shorten “our range of choice” forcing us to “picking the least bad alternative”, a well-informed conscience, therefore, becomes a treasured acquisition in the making of decisions. In the case of doubt or when faced with the principle of double effect, a well-informed conscience

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<sup>27</sup> The phrase „Above all, do no harm” is usually attributed to the Hippocratic Oath, an oath traditionally taken by doctors swearing to ethically practice medicine. Cf. The Journal of Clinical Pharmacology, Volume 45, Issue 4, pp. 371–377, April 2005.

<sup>28</sup> St. James Ethics Centre, Ethics Center Publications, Sydney NSW 2001, Australia, <http://www.ethics.org.au/about-ethics/what-is-ethics/what-is-ethics.html>.

would guide us “through the maze of ethical decision-making”,<sup>29</sup> eschewing sentiments and bias. In essence, a well-informed conscience could be likened to virtue of prudence emphasized by Socrates, Aristotle and Hippocrates as “the source and sign of Ethical Life”.<sup>30</sup>

### **0.8.3 Virtue of Prudence**

In the discussion on human good through a virtuous life, Aristotle (in his *Nicomachean Ethics*) presented happiness as the “ultimate good for humans”.<sup>31</sup> For one’s action to be “virtuous”, this action, according to Aristotle, must be “in accordance with right reason, that is, the soul acting in truth”. Following this conclusion, Aristotle explained that in order for the soul to act in truth, the soul must possess the virtue of “art, knowledge, prudence, wisdom and intuition”. He stressed that the virtue of prudence is the most essential “in the attainment of a truthful mean in all of one’s actions”.<sup>32</sup>

Prudence is an intellectual virtue, the “necessary link to the moral virtues” and together with moral virtues, the “golden mean between excess and deficiency”.<sup>33</sup> Nonetheless, all the important virtues determining human actions as being “ethical and virtuous” are cultivated through “proper knowledge, proper deliberation through reason, good intention for its own sake, desire to do what is good, and habitual repetition of actions.”<sup>34</sup>

## **0.9 Ethics and Politics**

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<sup>29</sup> Ibid.

<sup>30</sup> Aristotle, *Nicomachean Ethics*, Perseus Project, translated F.H. Peters, Oxford, 1893, Book I, Ch. 7, 1098a10-15.

<sup>31</sup> Ibid, 1098a10-15.

<sup>32</sup> Aristotle, *Nicomachean Ethics*, 1138 b.

<sup>33</sup> Ibid, 1138 b.

<sup>34</sup> Moschella, Melissa, *Aristotle’s Ethics Study Guide: Summary and Analysis of Book Six*, GradeSaver, 03 March 2000 Web. 2 October 2009.

The major human actions and emotions gear towards happiness: the highest good. The individual good notwithstanding, the good of the state as a common good, is a higher priority and a more honorable thing to seek for. However alike the good of the individual and that of the state may look, the good of the state, the common good, seems to be “grander and more perfect” as well as “nobler and more divine”.<sup>35</sup>

This common good of the state is not devoid of Ethics. Through its polity, the state acts on ethical principles. Aristotle acknowledged this situation as the “relationship between Ethics and Politics”. In this relationship, “Politics is essentially Ethics on a larger scale”, a “noble pursuit to which Ethics is an introduction”.<sup>36</sup>

Like in the time of Aristotle, Ethics in Politics has not been well embraced, hence, the usefulness of this Aristotelian line of thought: “Since then our predecessors have left this matter of legislation uninvestigated, it will perhaps be better ourselves to inquire into it, and indeed into the whole question of the management of a state, in order that our philosophy of human life may be completed to the best of our power.”<sup>37</sup> And since human aspiration for happiness coincides with the purpose of politics, leaving it uninvestigated would cause more harm than good.

Naturally, it belongs to the study of Ethics - Social Ethics (SE), Religious Ethics (RE) or Political Ethics (PE) - to investigate and scrutinize the process and means of an action, and coming up with better solutions where need be, in an honest effort to foster the actual and demonstrable human happiness through a good and responsible life. And since human aspiration for happiness coincides with the purpose of politics, the leaders of states should seek and preach vibrant

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<sup>35</sup> Aristotle, Nicomachean Ethics, Book I Ch. II.

<sup>36</sup> Ibid, Book X, Ch. IX.

<sup>37</sup> Ibid, Book X, Ch. IX.

cooperation and aggressive diplomacy. This great responsibility is facilitated in the world of today through notable organizations, especially the United Nations.

### **0.10 Statement of the Problem**

The “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense and Alternative Conflict Resolutions deals with the ethics of the three wars led by the United States of America: the Operation Desert Storm (codename for the United States-led war against Iraq in response to Iraq’s invasion and annexation of Kuwait, August 2, 1990 - February 28, 1991); the Afghanistan War (2001 till present) following the terrorist attacks in the United States on September 11, 2001; and the Second Iraq War (the second United States’ invasion of Iraq, 20 March 2003 - December 2011). These three wars led by the United States have generated lots of debate.

While many vouch for the full use of military force in conflict resolutions, others emphasize aggressive diplomacy as the proper way forward. In this situation, the provisions in the Charter of the United Nations on conflict resolutions are again called into question.

### **0.11 Aim of the Work**

Wars, and rumors of wars have done a great damage to happiness, the ultimate end of humanity, thereby questioning whether the “proper knowledge”, the “proper deliberation through reason”, the “good intention for its own sake” and the “desire to do what is good”, all that make human actions to be ethical and virtuous, are still noble and practicable acts. The aim of this work, therefore, is to demonstrate that despite wars and rumors of war, happiness, that ultimate end of humanity, is attainable through aggressive diplomacy under the watchful eyes of the United Nations.

To realize the real essence of the United Nations as regards world peace and security recounted above in Articles 2, 39, 40, 41, 42 and 51 of the UN Charter, diplomatic brevity, that is, diplomatic courage would be required in order to speak truth to reality. Courage is the ability to confront fear, intimidation, pain, uncertainty, danger or risk. Courage could be physical or moral. While physical courage is the ability to confront physical threat, pain or hardship, moral courage on the other hand, is the ability to act rightly in the face of popular opposition, shame, scandal, or discouragement. As a virtue, courage's vice of deficiency is cowardice and its vice of excess are recklessness.<sup>38</sup>

If we should think of courage as that ability displayed in opposition to what is not right or what is not done properly, it would, therefore, be proper to envisage a diplomatic courage whereby diplomats or diplomatic corps stand up against evil or unjust diplomatic agendas by speaking truth to power and authority without fear or favor.

With this in mind, this work, “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense and Alternative Conflict Resolutions”, fronts the essence and preeminence of diplomacy in the peaceful resolution of conflicts through smart-power-diplomacy, which is a blend of hard and soft power, through dialogue and negotiations, vouching going to war only out of necessity and never out of choice.

## **0.12 Sources of the Work**

The primary source of this work is the provisions of the Charter of the United Nations on conflict resolutions. UN Charter Articles 1, 2, 39, 40, 41, 42 and 51

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<sup>38</sup> Broadie, Sarah and Rowe, C., *Nichomachean Ethics, Translation, Introduction and Commentary*, Oxford University Press, Oxford, 2002, 1103b15-20, 1104a15-25, 1104b1-10, 1107a30-1107b5 etc.,

highlighted the stand of the UN<sup>39</sup> on threats to the peace, breach of the peace and acts of aggression; on the use of dialogue and diplomacy; and where need be, the use of military force to restore peace and security. Others sources include works and journals dealing on the subject matter.

### **0.13 Division of the Work**

This work is divided into six chapters. Chapter one investigates the conduct of diplomacy through negotiations, examines the diplomatic institutions, explores the phenomenal evolution of diplomatic concepts, and acknowledges that since the 1961 Vienna Convention on Diplomatic Relations, the conduct of diplomacy remains a mixed-bag of success and failures. Nevertheless, the positive dividends of this conduct illuminate and overshadow whatever might be considered as its shorts.

The second chapter dives into the standard procedures and the rigorous and time consuming processes required when seeking and making concessions through diplomatic negotiations. It examines the vital roles played by the United Nations and the other regional powers in seeking and making concessions. In this chapter also, the various phases of diplomatic negotiations that eventually lead to diplomatic agreement are explored.

Chapter three, on preemptive attack in self-defense examines, with the help of concrete illustrations, not only the great debate surrounding preemptive-strike in self-defense, but also points out a few examples of post United Nations Charter armed attacks in self-defense, and how such could politicize the United Nations Security Council's authorization of the use of force. The chapter recognizes the shortcomings of the Charter of the United Nations, at the same time emphasizes the original intent of the formation of the Union, which is together as one.

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<sup>39</sup> UN represents United Nations.

Chapter four dwells on the ethics of war and peace. It examines the factors that motivate the choice of war, the debate for and against war, the alternatives to war and the Catholic Teaching on war. It separates war of choice from war of necessity through the just war theory, and while recounting the painful experience of war, with the Nigerian Civil War as a handy example, states that war is always with blemish.

The fifth chapter on the “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense and Alternative Conflict Resolutions, explores how preemptive-strike in self-defense could be a strategic military option, and what scholars say about it. It also differentiates preemptive-strike in self-defense from preventive war, makes the case of what an actual armed attack should be, and reiterates the criteria of imminence and necessity and the admissible criteria for preemptive-strike in self-defense.

And chapter six, the last chapter, on making the case for smart-power diplomacy, acknowledges that both hard and soft powers are intertwined concepts of powers and the necessary gateways that would produce smart-power diplomacy when merged into one. Smart-power diplomacy, that is the combination of hard and soft power potentials to form smart-power diplomacy, is thus that necessary concept and blend toward a more peaceful and secure world.

## **Chapter One**

### **1 Conduct of Diplomacy: A Mixed-Bag**

#### **1.1 Introduction**

Conducting diplomatic activities is an act. This act involves special agents, language and occasions. The agents of diplomacy are men and women trained specifically to represent their home countries in various ways involving matters of diplomatic activity. These agents understand the language and occasion of diplomacy. They are professionals and are termed experts.

The success and failure of any diplomatic activity depends in part, on the effectiveness of the agents or the lack thereof, the placatory or inflammatory language employed and the appropriate or inappropriate occasion employed for the diplomatic activity. No doubt, other factors that influence diplomatic activity abound, but a huge point of note is that the particular intent and the kind of agenda that motivates diplomatic activity, in the first place, could lead to success or failure. That is to say that the conduct of diplomacy is a mixed-bag project which could be a success when the right agents strike the right tone in the right place. It also could be ailing when the opposite is the case.

History presents us with bountiful instances whereby the conduct of diplomatic activity yielded successful outcomes. We will delve into a few of such examples in support of the fact that, although, the conduct of diplomacy is a mixed-bag project, it remains the better option, when placed side by side with the cost of war. We will also see some diplomatic blunders that inhibited the smooth running of the world order. All in all, the conduct of diplomacy, though a mixed-bag, remains a decent project that merits all the time, energy and cost invested therein. It pays a positively loaded dividend when it is an all-inclusive exercise by all and sundry.

International relations could be compared to the procedure adopted by FIFA in organizing soccer tournaments. Various nations are represented by a variety of teams of players and their technical crew. They know the rules and are expected to play by the rules. There are officials who enforce the rules. In the world of today, soccer tournaments not only serve as bridge-builders, but also as image-maker and an admirable tool in the fight against racism. Nevertheless, these beautiful aims and objectives sometimes are compromised either by poor organizations, ineptitude of officials, selfishness of participants, overzealous fans, over ambitious countries, unforeseen natural disaster, human error or total breach in the ethics of the sports.

The relation of nations is a larger “game” of diverse dimension. It is the game of diplomacy, wherein the rules of engagement, among others, includes working with one another in mutual respect and trust. The game-plan centers on economy, trade, power and security. And the major boardroom where this game is played is the United Nations and other like organizations. As the game played in order to reach the goals, it involves moments for hard or soft tackles, for attacks or defense. Each part of the game is as important as the other. None should be exulted in isolation of the other. Each is an integral part of the whole, without which, the entire project of international relations remains incomplete.

Representatives of countries in this diplomatic game often aim at making the best of every opportunity. Some bend themselves to fit into the rules while others bend the rules to fit into their agenda, thereby, compromising the original and the desired aims and objectives of the United Nations, the initiator of this diplomatic game.

Diplomacy in itself is as composite fraction of power, has gone through a phenomenal evolution comprising of an assortment of concepts. It is not yet a perfect solution for the resolution of international conflicts. However, it is a more ethical option, the human and material cost of war considered.

## 1.2 Concept of Diplomacy

Generally speaking, diplomacy is the art of conducting international relations.<sup>40</sup> But in more concise manner, diplomacy is “the art and practice of conducting negotiations between representatives of groups or nations”.<sup>41</sup> As a term, diplomacy embodies those practices and institutions by which nations conduct their relations with one another. Diplomacy being the “art and practice of conducting negotiations between nations”, involves the great “skill in handling affairs without arousing hostility.”<sup>42</sup> It is the principal channel of communication between nations, and morally speaking, diplomacy is the ethics of relationship between nations in their dealings with one another, especially in conflict resolution.

The word diplomacy is not one and the same with foreign policy. While foreign policy is “[...] the substance, aims and attitudes of a state’s relations with others, diplomacy is one of the instruments employed to put these into effect.”<sup>43</sup> It deals with “the how” of international relations whereby “treaties are usually negotiated” before they are approved by the leaders of government.<sup>44</sup>

Diplomacy as a word is one of the most misunderstood in the family of words, just as it is one of the most abused skills in human relations. While many hold that a diplomat is one who knows how to work with the others in order to get

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<sup>40</sup> The American Heritage Dictionary, Houghton Mifflin, 1997.

<sup>41</sup> Diplomacy, 2009, April 25, in Wikipedia, The Free Encyclopedia, retrieved 10:10 AM, April 28, 2009, from <http://en.wikipedia.org/wiki/Diplomacy>.

<sup>42</sup> Merriam-Webster, 2009, April, in Online Dictionary, Diplomacy, 2009, retrieved 8:14 PM, April 28, 2009, from <http://www.merriam-webster.com/dictionary/diplomacy>.

<sup>43</sup> Evans, Graham and Newnham, Jeffrey, Dictionary of International Relations, Penguin Books, London, England, 1998, p. 449.

<sup>44</sup> Diplomacy, 2009, April 25, in Wikipedia, The Free Encyclopedia, retrieved 10:10 AM, April 28, 2009.

business done, many others see a diplomat as one whose sole aim is to out-smart counterparts in daily dealings.

To address one as a diplomat could be honorable as well as derogatory. That notwithstanding, diplomacy as a job and practice is a noble art. Countries train their bests to acquire these skills so as to be well equipped in working internationally with one another to get their business done.<sup>45</sup> And no matter from what angle diplomacy is defined, it is all about the quest for respectful dialogue and negotiations with friends and foes alike in furtherance of peace and security for humanity. Certain diplomatic institutions play dominant and significant roles in this quest.

### **1.2.1 Diplomatic Institutions**

Historically, International Organizations (IOs) with international membership, scope, and presence have been the main architects, instruments and institutions of diplomacy. These Organizations are graded into two main groups, namely International Non-Governmental Organizations like the International Committee of the Red Cross, etc. and the Inter-Governmental Organizations which include the African Union, Arab League, European Union, Organization of American States, United Nations, World Trade Organization, etc. These IOs have over the time, served as valuable institutions toward achieving effective diplomacy.

The cooperation between the IGOs<sup>46</sup> and INGOs<sup>47</sup> in the campaign against landmines, led to the banning of landmines. Such effort was also internationally recognized and awarded the highly priced 1997 Nobel Peace Prize. Nonetheless, the United Nations, among others, is the main diplomatic institution that keeps

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<sup>45</sup> Brian, Hocking, Foreign Ministries; Redefining the Gatekeeper Role', in Foreign Ministries: Change and Adaptation, ed. Brian Hocking, Macmillan, London, 1999, p. 3.

<sup>46</sup> IGO represents the International Governmental Organizations.

<sup>47</sup> INGO represents the International Non-Governmental Organizations.

the act of diplomacy well pointed and focused. The UN fulfils this role through facilitated talks between representatives of various countries whose duty it is to employ “intelligence and tact”<sup>48</sup> in the management of the world-order.

Over the course of years, these International Organizations have pressured various governments into accepting ethical principles in their dealings with one another. Governments have been held responsible for what went wrong on their watch, a situation that brought more sanity in the handling of projects and affairs. Through Amnesty International<sup>49</sup> especially, lots of human rights abuses wherever existent, have been uncovered and many perpetrators have been brought to justice. Among other things, Amnesty International (AI) is seriously campaigning for compliance with international standards and the mobilization of public opinion against human rights abusers.<sup>50</sup> This is the duty the organization has zealously and profoundly pursued and for which it was rewarded with a

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48 Shaun, Riordan, *The new diplomacy*, Wiley-Blackwell, 2003, ISBN 0745627900, 9780745627908, in E. Satow, *A guide to Diplomatic Practice*, ed. N. Bland, Longmans, London, 1964, p. 1.

<sup>49</sup> Amnesty International is an international non-governmental organization which conducts research and generates action to prevent and end grave abuses of human rights and to demand justice for those whose rights have been violated. Founded in London in 1961, Amnesty draws attention to human rights abuses and campaigns for compliance with international laws and standards. It works to mobilize public opinion to exert pressure on governments that perpetrate abuses. The organization was awarded the 1977 Nobel Peace Prize for its campaign against torture, and the United Nations Prize in the Field of Human Rights in 1978. In the field of international human rights organizations, Amnesty has the longest history and broadest name recognition, and is believed by many to set standards for the movement as a whole. Cf. Amnesty International, <https://www.amnesty.org/en/who-we-are>.

<sup>50</sup> Amnesty International, 2009, May 3, in About Amnesty International, retrieved 9:30 AM, May 4, 2009, from <http://www.amnesty.org/en/who-we-are/about-amnesty-international>.

Nobel Peace Prize in 1977, particularly for its campaign against torture.<sup>51</sup> Its untiring and unyielding efforts also informed its winning of the United Nations Prize in the Field of Human Rights in 1978.<sup>52</sup>

In their search for a world free from injustice, war and disaster, and in furthering the course of humanity, INGOs and IGOs also provide assistance in disaster regions and aid for refugees in time of need. Rich countries on their own, give out incentives like money or aid to poor ones to win diplomatic support and friendship. In doing so, rich countries also promote and preserve their economic and political interests abroad, and their position in the world. As a punitive measure in the case of human rights violation, threat to world peace and ethical standards, trade restrictions or economic sanctions could be imposed on erring nations through the agitations of the INGOs and IGOs. By so doing, these organizations maximize the essence of diplomacy and as well project it as an effective and most desired instrument in the quest for a more civilized and prudent world where ethical standards hold supreme.

Nevertheless, diplomacy has sometimes failed to score the utmost hundred percentage point. It has not been able to resolve the entire world's conflicts. Many argue that in as much as we should give diplomacy a chance to succeed, the integral right of self-defense can never be overlooked. However, the use of military force in the settlement of diplomatic disputes is preserved only as the last resort and only when diplomacy fails. An excursion on the remarkable evolution of diplomacy in the course of time would be of immense value here.

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<sup>51</sup> Mümtaz, Soysal, 2009, May 3, in Nobel Lecture, December 11, 1977, retrieved 6:55 PM, May 4, 2009, from [http://nobelprize.org/nobel\\_prizes/peace/laureates/1977/amnesty-lecture.html](http://nobelprize.org/nobel_prizes/peace/laureates/1977/amnesty-lecture.html).

<sup>52</sup> United Nations Prize in the Field of Human Rights, 2009, April 5, in Wikipedia, The Free Encyclopedia, retrieved 2:45 PM, May 4, 2009, from [http://en.wikipedia.org/w/index.php?title=United Nations Prize in the Field of Human Rights&oldid=282310261](http://en.wikipedia.org/w/index.php?title=United_Nations_Prize_in_the_Field_of_Human_Rights&oldid=282310261).

### 1.3 Phenomenal Evolution of Diplomatic Concept

Diplomacy, whose concept is as old as mankind, attracts a wide variety of views. Almost everyone who knows something about diplomacy has a personal view on how diplomatic activities should or could be carried out in and around the world. In fact, “there are as many views on the concept of diplomacy as there are writers on the subject.”<sup>53</sup> As a concept, nonetheless, diplomacy has evolved with the development of humanity always in the search of peaceful cohabitation. This evolution could be attributed to various factors and agents.

Documentations trace the origin of diplomacy back to the “great kings of the Near East”<sup>54</sup> in the second or possibly even in the late fourth millennium BC.<sup>55</sup> By that time, diplomatic activities depended mainly on ordinary messengers and merchants who acted as agents of communication. Diplomatic Immunity (DI) was based on “ordinary codes of hospitality” and fear of the gods before whom treaties were sealed.<sup>56</sup> In this level of diplomacy however, “communications were slow, laborious, unpredictable, and insecure.”<sup>57</sup> This primitive diplomatic activity familiar around the world, according to Simon Szykman<sup>58</sup> of Carnegie Mellon University, served and achieved its purpose and desired intentions.

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<sup>53</sup> Berridge, G. R. & James A., *A Dictionary of Diplomacy*, Palgrave Macmillan, Basingstoke, New York, NY, 2001, pp. 62-3

<sup>54</sup> Liverani, Mario, *International Relations in the Ancient Near East* Palgrave: Basingstoke, 2001, in Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. p. 1.

<sup>55</sup> Cohen, Raymond and Raymond, Westbrook, eds, *Amarna Diplomacy: The Beginnings of International Relations* Johns Hopkins University Press: Baltimore and London, 2000, in Berridge, G. R., *Diplomacy, Theory and Practice*, 2<sup>nd</sup> ed. p. 1.

<sup>56</sup> Berridge, G.R., *Diplomacy: Theory and Practice*, Second Edition, Palgrave Macmillan, New York, NY, 2002, pp. 1-2.

<sup>57</sup> Berridge, G. R., *Diplomacy, Theory and Practice*, 2<sup>nd</sup> ed. pp. 1-2.

<sup>58</sup> Simon Szykman is the Chief Information Officer (CIO) of the United States Department of Commerce. Prior to this, Szykman served as the Director of the National Coordination Office

Envoys were sent to particular tribe or village with particular message, and are expected to return after delivering the message. The concept of envoys whose function includes “defending their countries’ positions and gathering information”<sup>59</sup> is a later development from the ancient form of diplomacy. Suffice to say that in the ancient form of diplomacy, there was nothing like a career diplomat. It was not seen and taken as a permanent job. Diplomats were better understood as bearers of messages whose duty might end after the first assignment.

A diplomat then was known for his charm, and cunning and trickery ability. He used to be the prime agent of dialogue and negotiation and was expected to possess excellent memory and an eloquent voice. In this case, only gifted orators were chosen. However as time went on, plain oratory was no longer the expertise sought-after in would be diplomats. The ability to examine the internal affairs of other states and make gathered-information available for analysis became an important and apparent quality-attribute of a diplomat. And like “conditions both demanded and favored a more sophisticated diplomacy”<sup>60</sup> in the ancient Greek city state system of the fourth and fifth centuries BC, the fifteenth century experienced a political evolution that saw a diplomatic

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for Networking and Information Technology Research and Development (NITRD). He has also worked at the Department of Homeland Security (DHS) as the Department’s first Director of Cyber Security R&D. Cf. Statement of Dr. Simon Szykman, Chief Information Officer, U.S. Department of Commerce <https://cio.gov/wp-content/uploads/downloads/2013/06/Testimony-Szykman-2013-06-11.pdf>.

<sup>59</sup> Szykman, Simon, Diplomacy, An Historical Perspective, The Zine, Spring 1995 Retreat Issue,

<http://www.diplom.org/Zine/S1995R/Szykman/History.html>.

<sup>60</sup> Adcock, F., and Mosley D. J., Diplomacy in Ancient Greece, Part Two, Thames and Hudson, London, 1975, in Berridge, G. R., Diplomacy, Theory and Practice, 2nd ed. p. 2.

revolution from the Greeks, the Romans<sup>61</sup> and the French. At first, Latin was the official language of diplomacy until the middle of the eighteenth century when French was adopted. And after the Congress of Vienna (COV) in 1815, diplomatic service was for the first time in history recognized as a career.

Fashionable diplomacy as it is today was the enterprise of the French. Nonetheless, the formation of the United Nations at the end of the Second World War in 1945 quickened a new diplomatic evolution carried out through a special art. In his “Political Testament” Cardinal-Duc de Richelieu,<sup>62</sup> a French clergyman, noble, and statesman stated that diplomacy should be “a continuous process aimed at creating durable relationships rather than attempting to make opportunistic advances.”<sup>63</sup> However, diplomatic activities as practiced today came through the coordination of the 1961 Vienna Convention on Diplomatic Relations.

#### **1.4 1961 Vienna Convention on Diplomatic Relations (VCDR)**

Recognizing the “status of diplomatic agents” and the “purposes and principles of the Charter” of the UN concerning the “sovereign equality of States”, the VCDR aimed at contributing “[...] to the development of friendly relations among nations, irrespective of their differing constitutional and social systems”. It also aimed at ensuring “the efficient performance of the functions of

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<sup>61</sup> Mattingly, G., *Renaissance Diplomacy*, Penguin, Harmondsworth, 1965, in Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. p. 2.

<sup>62</sup> Cardinal-Duc de Richelieu (9 September 1585 – 4 December 1642), was a French clergyman, noble, and statesman. Consecrated as a bishop in 1608, he later entered politics, becoming a Secretary of State in 1616. Richelieu soon rose in both the Church and the state, becoming a cardinal in 1622, and King Louis XIII’s chief minister in 1624. He remained in office until his death in 1642. Cf. Cardinal Richelieu, Wikipedia, [http://en.wikipedia.org/wiki/Cardinal\\_Richelieu](http://en.wikipedia.org/wiki/Cardinal_Richelieu).

<sup>63</sup> Szykman, Simon, *Diplomacy, An Historical Perspective*, The Zine, Spring 1995 Retreat Issue.

diplomatic missions as representing States [...]”, thereby recapturing the aims and objectives of the UN.<sup>64</sup>

While defining the framework for diplomatic relations amongst nations, the Vienna Treaty aims at more uniformed diplomatic standards. This treaty adopted on April 18, 1961 but first implemented on April 24, 1964 by the United Nations Conference on Diplomatic Intercourse and Immunities (UNCDDII), enshrined into law the treatment of diplomats and specifies the privileges of a diplomatic mission that enables diplomats to perform their function without fear of coercion or harassment by the host country.<sup>65</sup>

Prior to the VCDR, the conduct of diplomacy was based on “traditional bilateral diplomacy”, which excluded “both relations with international organizations and special missions.”<sup>66</sup> It was eventually in this Convention that the guidelines for the modern-day diplomacy were written and adopted, which enshrined diplomacy, “an institution inherent to international life itself”,<sup>67</sup> into the fabrics of international relations.

## **1.5 Modern-Day Diplomacy**

The direct and positive consequence of the 1961 Vienna Convention on Diplomatic Relations is the institutionalization of modern-day diplomacy. The Vienna Convention recognized, among other things, the need for a better diplomatic relations among nations. It also moved for a good flow of

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<sup>64</sup> United Nations, Vienna Convention on Diplomatic Relations, Done at Vienna on April 18, 1961, entered into force on April 24, 1964, United Nations, Treaty Series, vol. 500, 2005, p. 2.

<sup>65</sup> Wikipedia, Vienna Convention on Diplomatic Relations, 3 August 2010, Web. 8 October 2010.

<sup>66</sup> Berridge, G. R., p. 116.

<sup>67</sup> Bernardo, Futscher Pereira, *The Pure Concept of Diplomacy*, Contributors: José Calvet De Magalhães, translator Greenwood Press, New York, 1988.

information and communications amongst “authorized agents of states” with the aim of fostering more coherent foreign policies, “either by formal agreement or tacit adjustment” without resort to the use of force. To achieve this feat, modern-day diplomatic mission has the mandate of “[...] gathering information, clarifying intentions, and engendering goodwill”<sup>68</sup> wherever they are stationed. The information discretely gathered is treated as very important. And should the intentions or the goodwill of a nation be called to question, the diplomatic mission steps in and clarifies the situation through proper communications. As professionals, theirs (diplomatic mission) is to fulfill these roles and keep trumpeting the good intentions of their home government and people.

The duties of the diplomatic mission are directed by, and coordinated from a country's Ministry of Foreign Affairs (MFA). In some countries, it is named Ministry of External Affairs (MEA), while in some others, additional names that depict the ministry's work in relation with other overseas nations, are chosen. Whatever names however, this ministry led by a “foreign minister”<sup>69</sup>, is entirely devoted to “directing and administering” a country's diplomatic activity through a “more unified direction and better preserved archives.” This archive contains “details of promises made and received in the past and potential promises that have been long gestating in negotiations still not complete”. Aware of the contents of their archive, the MFA advises their home government and diplomatic corps in consonance with the policies agreed or to be pursued.<sup>70</sup>

The MFA renders policy advice to its country, supervises its implementation at home and abroad, recruits and staffs the diplomatic mission abroad, maintains secure and regular communications with them, provides them with “approved

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<sup>68</sup> Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. p. 1.

<sup>69</sup> Horn, D. B., *The British Diplomatic Service 1689-1789*, Clarendon Press, Oxford, 1961, p. 1, in Berridge, G. R., *Diplomacy, Theory and Practice*, 2<sup>nd</sup> ed. p. 6.

<sup>70</sup> Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. pp. 5-6; 12-13.

information on both foreign and domestic developments”, makes them work, digests the fruits of their labor, briefs foreign media outlets at home, and maintains communication with the diplomatic corps resident in its own capital. It plans ahead, in an effort to providing an urgent response to international and diplomatic needs. It also anticipates “[...] future problems and thinking through how they might be met.”<sup>71</sup>

Equally, the MFA provides information for domestic consumption. It feeds the local populations with high-tech information of the outside world by advertising “the consular services which are available to their nationals should they find themselves in need of assistance once they are abroad”, and provides intending travelers “up-to-date information on foreign destinations including advice on personal safety.” It also works with NGOs, and impresses the value of “commercial diplomacy” on potential investors both at home and abroad.<sup>72</sup>

Nonetheless, other agencies such as trade, finance, defense, transport and environment carry on with the various assignments of keeping their nation’s foreign and international affairs always lubricated and active. They do this through a more streamlined system of direct communication and constant relations with their counterparts elsewhere called “direct-dial diplomacy.” However, it serves the interest of a nation when the MFA coordinates the other agencies, since coordination remains the “outstanding function of diplomacy.”<sup>73</sup>

Modern-day diplomacy, therefore, is no longer the activity of professionals alone, but rather a sum total of the activities of the diplomatic corps, bodies like the NGOs and private individuals whose duties are either concretely spelt out or

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<sup>71</sup> Ibid, pp. 7; 11; 13 and 17.

<sup>72</sup> Ibid, pp. 18-19.

<sup>73</sup> Langhorne, R. and Wallace, W., *Diplomacy Towards the 21st Century*, 1999, p. 21, in Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. p. 15.

endorsed by the resident diplomatic corps.<sup>74</sup> One might say that the role of the Ministry of Foreign Affairs varies from one country to another, it is evident that the MFA has become the major hub of the modern-day diplomacy. The importance and role of the MFA notwithstanding, the persistent increase of “complexity and range of international problems”, and how easy it has become for home ministries or agencies to contact their counterparts abroad<sup>75</sup>, strengthens the need for a more direct contact. This development does not in any way diminish the role of MFA as the primary custodian of foreign policy advice and implementations, but strengthens it instead, allowing it to step into the bigger role of coordinating foreign activities<sup>76</sup> which remains the outstanding function of diplomacy.

Modern-day diplomatic framework is a European making. Just “as European power spread around the world in the eighteenth and nineteenth century so too did its diplomatic system”.<sup>77</sup> And since the European Diplomatic Revolution (EDR), nations, world over, have employed various diplomatic techniques and ethics in their diplomatic relations with one another.

Despite the phenomenal, evolutionary and remarkable development that ushered in the modern-day diplomacy, racial tensions, tribal wars, boundary disputes, arms race and the unholy quest to assert economic, military and political might and dominion have skyrocketed. Wars are no longer fought with the traditional weapons like spears and arrows, and the casualties of war are no longer limited to the battle lines. The ever developing human intellectual faculties have

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<sup>74</sup> Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. p. 1.

<sup>75</sup> *Ibid*, p. 15.

<sup>76</sup> Hocking, B., *Foreign Ministries: Change and Adaptation*, ed, Palgrave, Basingstoke, 1999, pp. 4;9-10, in Berridge, G. R., *Diplomacy, Theory and Practice*, 2nd ed. p. 15.

<sup>77</sup> *Diplomacy*, 2009, April 25, in Wikipedia, The Free Encyclopedia, retrieved 10:10 AM, April 28, 2009, from <http://en.wikipedia.org/wiki/Diplomacy>.

discovered more scientific and technological war tools in the form of nuclear, biological and chemical weapons.

The nuclear attacks of the two cities of Japan - Hiroshima and Nagasaki - in World War II, and the use of chemical weapons against the Kurds in northern Iraq exposed the agonizing dangers of modern day weaponry. Most of these weapons are not safely stored, and could fall into the hands of war-lords or worst still, into the hands of terrorists. In fact, the thought of weapons of mass destruction falling into the hands of a terror group who may be willing to offer their lives as a protest or in “self-defense” is so frightening.

Equally frightening is the mad-rush and the secrete pursuance of nations for the acquisition of all forms of weapons of mass destruction under the pretence of a civil nuclear technology. In so doing, nations usher in world security dilemma whereby nations acquire weapons for self-defense, thus, moving other nations to acquire theirs out of fear. The circle continues until the weapons become complicated. These problems are the modern-day diplomatic challenges that demand honest and urgent resolve to reengage one another in dialogue and negotiations.

Diplomatic negotiations, as a matter of fact, are not the same with intellectual debates. In intellectual debates, issues are decided on the merit and soundness of the arguments. On the contrary, in diplomatic negotiations, deals are made through concessions. Also, diplomatic agreements can sometimes be reached among liberal democratic nations by appealing to higher principles, that is, the ethical principles. Let us take a look at one of the most consequential diplomatic moves of the administration of President George W. Bush.

## **1.6 The Bush Doctrine: Either with Us or Against Us**

The “Bush Doctrine”<sup>78</sup> came to birth after the September 11, 2001 terrorist’s attack in the United States. It comprises a chain of new foreign policy proposals formulated by the administration of President George W. Bush. The summary of this doctrine, codified in a National Security Council text entitled the “National Security Strategy of the United States” published on September 20, 2002,<sup>79</sup> is that the United States had the right to secure herself from terrorists and from countries that harbor or give aid to terrorist groups.<sup>80</sup>

In the regime-change part of the policy, the US held that it would depose foreign regimes that represented a potential or perceived threat to the security of the United States, even if that threat was not immediate. On democracy, the new policies moved for the spread of democracy around the world, especially in the Middle East, as a strategy for combating terrorism. It also asserted the willingness to pursue US interests in a unilateral way.<sup>81</sup> However, Joseph S. Nye Jr. is of this opinion: “States cannot alone hunt down every suspected Al Qaeda

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<sup>78</sup> The Bush Doctrines are new foreign policy proposals that emphasized the United States’ right of self-defence, unilateral military approach, formation of the Coalition of the Willing and ‘no talk with enemy-states. It asserted that the United States reserved the right to initiate a preemptive strike against rogue nations and axis of evil who may pose threats to the United States’ interests. It is a doctrine that exulted preemptive strike – striking a potential enemy first. The doctrine also pushed for regime change. Cf. Yahoo, Politics & Government, Reference Question, <http://answers.yahoo.com/question/index?qid=20080528130559AAacwIp>.

<sup>79</sup> National Security Council, 2009, October 1, in The National Security Strategy of the United States, The White House, September 2002, retrieved 12:15 PM, October 2, 2009, from <http://www.whitehouse.gov/nsc/nss/2002/index.html>.

<sup>80</sup> Weisman, Steven R., The New York Times, President Bush and the Middle East Axis of Ambiguity, April 13, 2002, 10:30 PM, October 11, 2009, <http://query.nytimes.com/gst/fullpage.html?res=9A0DE3DE123CF930A25757C0A9649C8B63>

<sup>81</sup> Page, Susan, USA Today, Confronting Iraq, Education, March 17, 2003, retrieved 6:20 PM, October 19, 2008, from <http://www.usatoday.com/educate/iraq/war7-article.htm>.

leader hiding in remote regions of the globe. Nor can it launch a war whenever it wishes without alienating other countries and losing the cooperation it needs for winning the peace.”<sup>82</sup> And this is exactly what the “Bush Doctrine missed by wide margins.

Indisputable is the fact that the United States experienced a terrible situation during the terror attack. With this horrifying experience, it is understandable seeing the leadership reviewing its foreign policies, and taking a tough stance and decision where need be. It is the “grave duty” of every Commander in Chief of every country to protect the lives and properties of the citizenry. This is a duty every leader of his people, good or bad, legitimately lays claim to. He or she is on oath to do exactly that. Nonetheless, preventive war and the desire for regime change in an independent country are questionable, not only for its violation of the ethics of war to be discussed in the “Just War Theory”<sup>83</sup> of this work, but also for its ability to create more consequential enemies.

“In the end, the Bush administration’s doctrinal pronouncements may prove to be a transient political exercise of little enduring significance or possibly a useful threat with exclusive application to the Iraq situation. They also might spark major international disputes and eventual adjustment. However it turns out, the central contention – that preemptive attack can prevent the acquisition of mass destruction technology – is not realistic and does not provide a responsible basis for protecting the United States or anyone else. Preventive action against potentially unmanageable threats is indeed an increasingly vital security interest, but that cannot be accomplished by coercive methods. It will require the systematic exchange of sensitive monitoring information for mutual protection, and arrangements of that sort cannot be established while one party

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<sup>82</sup> Nye, Joseph S. Jr., *Soft Power, The Means to Success in World Politics*, Public Affairs, New York, NY, 2004, p. xi.

<sup>83</sup> See Just War Theory in Chapter Four, Subsection 4.5.1.

is wielding a confrontational threat against the others. If coercive preemption is to be done at all, it must be done by the international community as a whole for common benefit, not by the United States alone for its own exclusive purposes. The confusion of ends and means presented in the Bush administration's documents will have to be corrected. That is a direct responsibility of the U.S. political system in which the rest of the world has a very substantial stake.”<sup>84</sup>

My mother would always say: “even mad persons have their friends”.<sup>85</sup> Even worst leaders have their fans that are ready and willing to stake their lives in the fight against any perceived external influence. There are also individuals who may not have any admiration of their leadership, but would see any influenced regime change as non-acceptable, and a rallying point for national course, meaning that any perceived external influence could solidify the enmity between nations. It could simply turn out to be a boomerang.

Influenced regime change could also pitch those who are for it against those who are against it, leaving a crack that may never ever be healed. It could plunge such country into civil war, destabilize the neighborhood, and could throw the entire human race into never-ending-wars and total dysfunction. And if anything is learnt in the doctrine of regime change pushed for in Iraq, it is this ugly truth.

While President George W. Bush argued for United States preparedness to take “[...] strong action, preferably with other countries but alone if necessary, to ensure that enemies cannot attack or intimidate Americans and others [...]”, Professor John Steinbruner of the University of Maryland, asserts that the Bush Doctrine “[...] is unnecessarily provocative and that its threat to use preemptive military power against whoever the United States perceives to be a threat will

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<sup>84</sup> Rourke, John T., *Taking Sides, Clashing Views on Controversial Issues in World Politics*, 11<sup>th</sup> ed., 2004, McGraw-Hill/Dushkin, Guilford, Connecticut, pp. 50-51.

<sup>85</sup> Nwandu, Gertrude N'waku Nwandu, 1940 – 1991, Oral Tradition

increase global violence and create such hostility toward the United States that its security will be decreased.”<sup>86</sup>

In view of all, President Bush’s doctrine that “you are either with us or against us” implies that not joining his team effort is to be deemed an enemy. Such doctrine could only win a few allies outside the strong devotees of the US cause and agenda. And the other things many found as the excess of the Bush Doctrine include the seeming total sidetracking of the United Nations mandate.

Many argue that “Bush Doctrine” would be counterproductive and seem to forget the very reason why the League of Nations was disbanded and the United Nations was formed in its place. The League of Nations formed in 1919–1920, aimed at maintaining the “[...] Rights of Man, disarmament, preventing war through collective security, settling disputes between countries through negotiation, diplomacy and improving global quality of life.”<sup>87</sup> But that the world engaged in the Second World War after the first, meant that the League of Nations failed in its primary assignment. Its clouts were only felt in a few nations. And because it was formed by the Allied Powers after the First World War, it was perceived as the “League of Victors”. In this way, the League lacked cohesive ideas and heavily depended on reluctant Great Powers to enforce its resolutions. It was perceived as incompetent, lacking in the moral power of doing things the appropriate way, with the urgency required.

This weakness of the League of Nations was eventually compounded by the European wars. In its ineffectiveness, it became obvious that the world needed a new and vibrant organization with independence and neutrality. And in the 1943

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<sup>86</sup> Rourke, John T., *Taking Sides, Clashing Views on Controversial Issues in World Politics*, 11<sup>th</sup> ed., 2004, McGraw-Hill/Dushkin, Guilford, Connecticut, p. 36.

<sup>87</sup> League of Nations, 2009, May 19, in Wikipedia, *The Free Encyclopedia*, retrieved 14:41, May 25, 2009, from [http://en.wikipedia.org/w/index.php?title=League\\_of\\_Nations&oldid=290901787](http://en.wikipedia.org/w/index.php?title=League_of_Nations&oldid=290901787).

Tehran Conference, the Allied Powers agreed to create the United Nations to replace the League of Nations.<sup>88</sup> Hence, the formation of the UN in 1945, whose aims and objectives are to facilitate cooperation in international law, international security, economic development, social progress, human rights, world peace, end wars, and to provide a platform for dialogues and negotiations.

With its credibility, its far reaching and more committed membership and its well-coordinated ideas and impacts, it would amount to usurp of the UN's moral power, should a country decide to use military force against another against the will and decision of the Organization. Many argue that the US should have listened to and respected the UN on Iraq as we shall witness in chapter two of this work. Among the numerous reasons for this argument, it is obvious that the world functions on an interdependency lubricated by mutual cooperation – “together as one.” This is the very reason why different countries could accept to come together in the first place under one umbrella – the United Nation Organization.

The United Nations Security Council,<sup>89</sup> not excluding the other regional affiliate organizations, is the appropriate umbrella under which countries negotiate and dialogue in order to sort out pressing diplomatic problems, settle disputes, sanction non-cooperating countries, monitor compliance and lack thereof to the guiding principles and the enforcement of world order. Where aggressive diplomacy and sanctions could not resolve the conflicts, it is in the Security Council where the next line of action should be decided. Sometimes the Council could be slow in taking actions, nonetheless, it is the legitimate body that enjoys universal recognition. Its actions are seen as fair since they are fruits of

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<sup>88</sup> League of Nations, 2009, May 19, in Wikipedia, The Free Encyclopedia, retrieved 14:41, May 25, 2009, from [http://en.wikipedia.org/w/index.php?title=League\\_of\\_Nations&oldid=290901787](http://en.wikipedia.org/w/index.php?title=League_of_Nations&oldid=290901787).

<sup>89</sup> See United Nations Security Council: A Watch-Dog in the General Introduction, 0.3.

thoughtful deliberations among members, arm twisting and greasing not ruled out.

So in our troubled world, such doctrine propounded by President Bush, would only complicate matters the more. If nothing was learnt in the Iraqi war,<sup>90</sup> it is the fact that intelligence gathering could be faulty, making “truth” only relative, and turning imminence and necessity, the essential criteria for permissibility of a preemptive-strike in self-defense just the figment of the mind. In a world as complicated as ours, the UN Security Council, and not the president of a particular nation, qualifies as an impartial arbiter with “We the People” mandate as contained in the UN Charter Preamble. However, the UN more must rise above politics and sentiments in ensuring peace and safety of the universe, preventing chaos and possible annihilation of a race, a nation or a region, thus creating no room for such doctrines like the “Bush Doctrine”. Let us see how the case for the second US-led war in Iraq was made.

### **1.6.1 Making The Case for Operation Iraqi Freedom**

The major agreement reached at the end of the 1991 Gulf War, known as Operation Desert Storm, was that the Iraqi government would destroy its stockpiles of weapons of mass destruction, dismantle its nuclear programs and allow a team of International Atomic Energy Agency (IAEA) inspectors back inside Iraq who would monitor and verify Iraqi compliance to this agreement. The whole inspection turned out to be like a hide and seek game. Both sides accused the other of wrong doing. UN inspector Richard Butler<sup>91</sup> accused the

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<sup>90</sup> See Making The Case for Operation Iraqi Freedom and Iraqi War Aftermath in this Chapter, section 1.6.1 and 1.6.3 respectively.

<sup>91</sup> Richard William Butler, AC (born 13 May 1942) served as an Australian diplomat, United Nations weapons inspector, and Governor of Tasmania. Cf. Butler, Richard William, 2013, December 12, in Spokeo, Profile, Richard Butler, retrieved 4:15 PM, December 13, 2013, from <http://www.spokeo.com/Richard+Butler+1>.

Iraqi government of “non-cooperation and evasiveness.” On their part, the Iraqi government accused weapons inspectors of “acting as spies for foreign intelligence agencies.” When the inspectors pulled out of Iraq, the then US president, President Bill Clinton ordered airstrikes on Iraqi targets in a military operation coded as Operation Desert Fox. In reaction, the Iraqi government refused to readmit weapons inspectors into Iraq. This stirred up an already tensed atmosphere.

With the CIA’s National Intelligent Estimate of October 1, 2002, and George Tenet’s (then CIA Director) statement that Iraq still posed a threat, President George W. Bush sought and got a joint resolution from the US Congress authorizing the use of force in Iraq, if need be. The US then lobbied intensively the UN Security Council for more decisive action on Iraq. This intensive lobbying paid off on November 8, 2002, with the Resolution 1441<sup>92</sup> which demanded that Iraq make “an accurate, full, final and complete disclosure” of its

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<sup>92</sup> United Nations Security Council Resolution 1441 is a United Nations Security Council resolution adopted unanimously by the United Nations Security Council on November 8, 2002, offering Iraq under Saddam Hussein “a final opportunity to comply with its disarmament obligations” that had been set out in several previous resolutions (Resolution 660, Resolution 661, Resolution 678, Resolution 686, Resolution 687, Resolution 688, Resolution 707, Resolution 715, Resolution 986, and Resolution 1284). Resolution 1441 stated that Iraq was in material breach of the ceasefire terms presented under the terms of Resolution 687. Iraq’s breaches related not only to weapons of mass destruction (WMDs), but also the known construction of prohibited types of missiles, the purchase and import of prohibited armaments, and the continuing refusal of Iraq to compensate Kuwait for the widespread looting conducted by its troops during the 1991 invasion and occupation. It also stated that false statements or omissions in the declarations submitted by Iraq pursuant to this resolution and failure by Iraq at any time to comply with, and cooperate fully in the implementation of, this resolution shall constitute a further material breach of Iraq’s obligations. Cf. United Nations S/RES/1441, 2002, Security Council Distr.: General, 8 November 2002, <http://www.un.org/Depts/unmovic/new/documents/resolutions/s-res-1441.pdf>.

weapons of mass destruction and nuclear weapons program. This Resolution states that there would be “serious consequences” if Iraq did not comply. Eventually, the UN weapon inspectors were allowed back into Iraq.<sup>93</sup>

However, while Hans Blix<sup>94</sup> and his team of UN inspectors were still on the ground in Iraq, US Secretary of State Colin Powell on February 5, 2003, made the case for outright use of force against the government of Iraq. He alleged that the government of Iraq sought to procure uranium from Niger; that Iraq is making efforts to reconstitute its nuclear weapons program; that Iraq has active and running labs for biological weapons, chemical weapons and delivery systems; that Iraq is a state-sponsor of terrorism; and that Iraqi and al-Qaeda leadership are in collaboration against US interests.<sup>95</sup> Secretary Powell emphasized: “Every statement I make today is backed up by sources, solid sources. These are not assertions. What we’re giving you are facts and conclusions based on solid intelligence.”<sup>96</sup>

Countries like China, Russia, France and Germany, and a large section of the UN Security Council members saw the use of military force in Iraq as an

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<sup>93</sup> Gonyea, Don and Northam, Jackie, 2009, May 21, in *Pre-war Iraq Intelligence: A Look at the Facts*, retrieved 7:18 PM, 22 May, 2009, from <http://www.npr.org/templates/story/story.php?storyId=5024408>.

<sup>94</sup> Hans Martin Blix (born 28 June 1928 in Uppsala, Sweden) is a Swedish diplomat and politician. He was Swedish Minister for Foreign Affairs (1978 - 1979). Blix was also the head of the United Nations Monitoring, Verification and Inspection Commission from March 2000 to June 2003, when he was succeeded by Demetrius Perricos. In 2002, the commission began searching Iraq for weapons of mass destruction, ultimately finding none. Cf. Blix, Hans, 2010, October 17, in *Curriculum Vitae*, IAEA Director General from 1981 to 1997, retrieved 5:14 PM, October 18, 2010, from [http://www.iaea.org/About/dg/cv\\_blix.html](http://www.iaea.org/About/dg/cv_blix.html).

<sup>95</sup> Gonyea, Don and Northam, Jackie, 2009, May 21, in *Pre-war Iraq Intelligence: A Look at the Facts*, retrieved 7:18 PM, 22 May, 2009.

<sup>96</sup> *Ibid.*

unnecessary escalation that could destabilize an already precarious region. They also considered the economic consequences and possible human casualties if military force were to be used in Iraq, hence, refused to commit their talents and treasures. The US organized a “coalition of the willing”<sup>97</sup> that would eventually attack Iraq, to which the United Kingdom, Australia, Denmark and Poland contributed troops.

In his March 19, 2003 address, a day before hostilities began in Iraq, President Bush said: “The people of the United States and our friends and allies will not live at the mercy of an outlaw regime that threatens the peace with weapons of mass murder.”<sup>98</sup> Thereafter, the war in Iraq began. However, after the fall of Baghdad, the US Senate Report on Pre-war Intelligence on Iraq found that many of the administration’s pre-war statements on Iraqi WMD were not supported by the underlying intelligence. This report concluded as follows: “Most of the major key judgments in the Intelligence Community’s October 2002 National Intelligence Estimate (NIE), Iraq’s Continuing Programs for Weapons of Mass Destruction, either overstated, or were not supported by the underlying

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<sup>97</sup> The term coalition of the willing is a post-1990 political phrase used to describe military or military/humanitarian interventions for which the United Nations Security Council cannot agree to mount a full UN peacekeeping operation. It has existed in the political science/international relations literature at least since UN peacekeeping operations began to run into deep trouble in 1993-94, and alternatives began to be considered. One early documented use of the phrase was by President Bill Clinton in June 1994 in relation to possible operations against North Korea, at the height of the 1994 stand-off with North Korea over nuclear weapons. Cf. Steve Schifferes, US names ‘coalition of the willing’, 2011, March 12, in British Broadcasting Cooperation, News Online, Washington, retrieved 3:12PM, March 13, 2011, from <http://news.bbc.co.uk/2/hi/americas/2862343.stm>.

<sup>98</sup> Bush, George W., Operation Iraqi Freedom, Addresses To The Nation, Oval Office, March 19, 2003.

intelligence reporting. A series of failures, particularly in analytic trade craft, led to the mischaracterization of the intelligence.”<sup>99</sup>

The Bush administration claimed that the world is a better place with Saddam Hussein gone. Many wondered if diplomacy could not have been a better option since the threat posed by Baghdad was not as huge as claimed. Again, the huge collateral damage arising from such a questionable war, human and material, left many wondering all the more. The administration of President Bush was of the opinion that no talent and treasure was too big to spend on the “War on Terror” against the “enemies of the United States”. These “enemies” – Iran, Iraq and North Korea – were described by President George W. Bush in his State of the Union Address on January 29, 2002, as “axis of evil”.

### **1.6.2 Iran as “Axis of Evil”**

The 1953 overthrow of Iranian Prime Minister Mohammad Mosaddeq<sup>100</sup> through the collaboration of the United States’ CIA<sup>101</sup> and the United

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<sup>99</sup> Johnson, Loch K., *Strategic Intelligence*, Greenwood Publishing Group, ISBN 0275989437, 9780275989439, 2007, p. 332.

<sup>100</sup> Mohammad Mosaddeq, born on the 19th of May 1882 was the Prime Minister of Iran from 1951 to 1953. He had an aristocratic background, was an author, administrator, lawyer, prominent parliamentarian, and statesman famous for his passionate opposition to foreign intervention in Iran. He is most famous as the architect of the nationalization of the Iranian oil industry, which had been under British control and which is thought by many to be the reason for his deposition power in a 19<sup>th</sup> August 1953 coup supported and funded by the British and U.S. governments and led by General Fazlollah Zahedi. Mosaddeq was imprisoned for three years and subsequently put under house arrest until his death on March 1967. Mosaddeq is known by many Iranians both as a hero of Third World anti-imperialism and a victim of imperialist greed for Iran’s oil. However a number of scholars and historians believe beside the direct involvement of the UK and US, a major factor in Mosaddeq’s overthrow was the reactionary clerical dissatisfaction with a secular government, fomented with CIA propaganda. Cf. Malcolm Byrne, Mark J. Gasiorowski, Editor, *Mohammad Mosaddeq and the*

Kingdom's MI6<sup>102</sup> infuriated the Iranians in the same way the US felt about the November 4, 1979 hostage-taking of the American Embassy in Tehran by the "Students Following the Line of Imam". Simply put, Tehran and Washington have reasons to point fingers at one another.<sup>103</sup> However, this fury and finger-pointing intensified after the President George W. Bush administration linked Iran to the terror event on American soil, calling it the "axis of evil."

Under President Mahmoud Ahmadinejad, Iran doubled on its quest on the acquisition of nuclear technology, and as such, has inherited an ample of sanctions from the UN. The US remains of the opinion that a nuclear Iran would change the balance of power in the Middle East, and vowed to stop them from acquiring nuclear weapons. This amplified a kind of "war of word" situation between both countries. The US chose to isolate the Republic of Iran in international relations and diplomacy, and Iran became comfortable forging accord with such countries like Syria, and such groups like Hezbollah that they perceive as non beneficiaries of the US friendship.

This situation became a source of concern for the United States, leading President George W. Bush to point at Iran as one of the "axis of evil" in his State of the Union Address of January 29, 2002. He accused Iran in particular of "helping terrorism and seeking weapons of mass destruction."<sup>104</sup> And branding Iran as "sponsor of terrorism", the US-Iran relationship took a further nosedive.

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1953 Coup in Iran, Modern Intellectual and Political History of the Middle East, Syracuse University Press, 1<sup>st</sup> edition, May 1, 2004.(cf. Wikipedia).

<sup>101</sup> CIA represents the Central Criminal Intelligent Agency of the United States.

<sup>102</sup> MI6 represents the Military Intelligence, Section 6. It is the British agency which supplies the British Government with foreign intelligence.

<sup>103</sup> Barsamian, David, et al., Targeting Iran, City Lights Publishers, June 2007, p.15.

<sup>104</sup> Axis of Evil, 2013, December 13, in Wikipedia, The Free Encyclopedia, retrieved 8:15 PM, December 14, 2013, [http://en.wikipedia.org/wiki/Axis\\_of\\_evil](http://en.wikipedia.org/wiki/Axis_of_evil).

For those seeking political offices in the US, the perception of Iran as a state-sponsor of terrorism and Iran's quest for nuclear technology turned out to be a huge point of debate and must-foreign-policy test. In the 2008 Democratic Presidential Debate, Senator Hillary Rodman Clinton thought diplomacy was the only way forward. Senator Clinton explained her stand with the following words: "[...] we need to start diplomatic efforts immediately getting the Iranians and Syrians and others to the table. It's in their interest, it's in our interest [...]."<sup>105</sup> Nicholas Burn, a university professor, columnist, lecturer and former American diplomat, collaborated this position of Senator Clinton: "Talking to [...] adversaries is no one's idea of fun, and it is not a sure prescription for success in every crisis. But it is crude, simplistic and wrong to charge that negotiations reflect weakness or appeasement. More often than not, they are evidence of a strong and self-confident country. One of America's greatest but often neglected strength is, in fact [...] diplomatic power."<sup>106</sup> If anything was learnt from the Iraq war, it is the need to always give diplomacy the desired chance to play out. This could be the most potent way to resolving the Iran situation.

### 1.6.3 Iraqi War Aftermath

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<sup>105</sup> Clinton, Hilary Rodman, 2009, May 17, in<sup>105</sup> The New York Times, Clinton Hillary Rodman, Democratic Debate, Los Angeles, January 31, 2008, retrieved 8:45 AM, May 18, 2009, from <http://www.nytimes.com/2008/01/31/us/politics/31text-debate.html?pagewanted=20>.

<sup>106</sup> Burns, Nicholas Burns, We Should Talk to Our Enemies, 2008, December 3, in Newsweek Web Exclusive, October 25, 2008, Burns Nicholas, We Should Talk to Our Enemies, Newsweek Web Exclusive, Oct 25, 2008, retrieved 5:05 PM, December 4, 2008, from <http://www.newsweek.com/id/165650>.

The reign of Saddam Hussein<sup>107</sup> was a nightmare to all lovers of human rights and regional peace. During his reign, President Hussein fought the Iranians from 1980 to 1988, invaded and annexed Kuwait in 1991, resulting to the 1991 Gulf War. He repressed the Shia and Kurdish movements, and had and used chemical weapons against citizens of his own country. The picture is crystal clear and needs not be exaggerated or photo-shopped before the ruthless personality and reign of Saddam Hussein is made manifest.

Nonetheless, what is not clear is the level of relationship between the regime of President Hussein, and the terrorist group Al-Qaeda, that may have made Iraq a partner-in-crime in the terror attack on the US soil on September 11th, 2001, as claimed by the Bush administration in their case for the 2003 invasion of Iraq. Strong assessment indicates that Iraqi and Al-Qaeda leaders would be wary of working together. And with hindsight, many argue vehemently that the allegations of roping in Saddam Hussein into the Al-Qaeda heinous terror act on September 11th, 2001, were overstated and made in order to clear the pathway for the war in Iraq.

In war of such magnitude, like in Iraq, one would fairly expect that triggers of war should not be unfounded allegations or semi-truths. Hundreds of thousands of civilian, especially women and children, have lost their lives. A greater number of the entire population is displaced and put in harm's way. Many more

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<sup>107</sup> Saddam Hussein was the President of Iraq from 16 July 1979 until 9 April 2003. He was born on April 28, 1937, and on December 30, 2006, he was executed by hanging after being found guilty and convicted of crimes against humanity by the Iraqi Special Tribunal for the murder of 148 Iraqi Shi'ite in the town of Dujail in 1982, in retaliation for an assassination attempt against him. Cf. Wikipedia, Execution of Saddam Hussein, [http://en.wikipedia.org/wiki/Execution\\_of\\_Saddam\\_Hussein](http://en.wikipedia.org/wiki/Execution_of_Saddam_Hussein).

<sup>107</sup> Saddam Hussein, (April 28, 1937 - December 30, 2006) was the President of Iraq from 16 July 1979 until 9 April 2003.

have been physically and psychologically disfigured or disabled for life. Personal and communal properties and infrastructures worth billions stand in heaps of ruins. And if the powers-that-be think this enormous and shocking aftermath of a war sold falsely is what liberation and freedom means, then the world is not safe from future repeat of such rape and disrespect of the dignity of humanity.

A war situation like the one in Iraq would only serve as a propaganda machine and a recruiting tool for terrorist organizations like al-Qaida. It made Iraq a beehive where different terrorist groups rally together for a common cause against the United States and the Free World.<sup>108</sup> Playing into the hands of such groups is not in the interest of all. Only a watertight and aggressive diplomacy amongst nations, contrary to a go-it-alone ideology, could weaken and counter the terrorists' ideological rigidity and zealotry. Targeted killing of the al-Qaida bigwigs could help to deter their future actions. But like Newt Gingrich, a former US House Speaker observed about the approach of Bush administration in Iraq: "The real key is not how many enemy do I kill. The real key is how many allies do I grow. And that is a very important metric that they just don't get."<sup>109</sup> Thus, the go-it-alone mentality is radioactive and destroys the very

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<sup>108</sup> The free world is a Cold War-era term often applied to or used by non-communist nations to describe themselves. The term was used to contrast the greater personal freedom enjoyed by citizens of non-communist countries that were democratic, such as the United States, Canada, Australia, New Zealand, Japan, and Western Europe, with the communist rule of the Soviet Union and its Eastern European allies, along with other communist nations such as the People's Republic of China. Here the term represents every country experiencing the wrath of terrorism. Cf. Free World, 2010, October 1, in Wikipedia, The Free Encyclopedia, retrieved 10:10 PM, October 2, 2010, from [http://en.wikipedia.org/wiki/Free\\_World](http://en.wikipedia.org/wiki/Free_World).

<sup>109</sup> Barry, John and Thomas Evan, Dissent in the Bunker, Newsweek, December 15, 2003, p. 36.

essence of the United Nations where multilateralism, together as one, is the key word.

In the time of peace or war, it is the right of humanity to be protected, under the United Nations Charter, through a coordinated activity. However, a go-it-alone foreign policy sets the wrong tone, becomes a reference point that empowers and encourages other nations to do same, and facilitates nations' selfish interests and bogus ambitions, whereby flimsy excuses are used to circumvent United Nations set of principles and objectives, thereby creating unnecessary world tension, encouraging new arms race, renewing the cold war mentality, feeding into extreme and radical ideology of terror groups, and necessitating unnecessary "coalition of the willing". It breeds a hashing ground for irresponsibility and immorality, whereby the ethics of war are thrown up into the air.

The beauty of the world is genuinely highlighted by the plurality of races, nations and continents. Each and every one is entirely unique and different. These uniquely defined races, nations and continents need dialogue to heal injuries of the past, sort out present differences and create mutual understanding on how to work together in the future. This will never be true when a go-it-alone policy is adopted, when the ethics of rational interdependence is kicked to the corner, or when mutual trust and respect evaporate with ease. Such a situation would only breed mutual hatred and isolationism.

Taking issues with the policy that breeds isolationism, Nicholas Burns suggested: "Rather than retreat into isolationism [...] or go it alone as the unilateralists advocated disastrously in the past decade, we need to commit ourselves to a national strategy of smart engagement with the rest of the world." And vouching for smart-power diplomacy, Burns continued: "Simply put, we need all the friends we can get. And we need to think more creatively about how

to blunt the power of opponents through smart diplomacy, not just the force of arms.”<sup>110</sup>

When asked during one of the presidential debates, what doctrine she would propagate if she were to be elected as United States President, then Senator Hillary Clinton gave an answer that summed up how modern-day international relations and diplomacy could best profit a nation through mutual cooperation and respect. Senator Clinton answered: “It will be a doctrine of restoring America’s leadership and moral authority through multilateral organizations, through attempts to come to agreements on issues ranging from global warming to stopping the proliferation of nuclear weapons and other dangerous weapons [...]. It will be a doctrine that demonstrates that the United States is not afraid to cooperate; that through cooperation in our inter-dependent world, we actually can build a stronger country and a stronger world that will be more reflective of our values”.<sup>111</sup>

The answer of Senator Clinton, and the content therein, is the missing link in the Bush’s doctrine of “no talk with enemies” and “go-it-alone” foreign policies: diplomacy works, it may take pains and time, but it works. Let us not lose sight of the fact that after years of diplomatic conflicts, then leader Colonel Muammar Gaddafi eventually accepted “[...] to scrap his country’s programs to develop weapons of mass destruction and to allow international inspectors to verify and

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<sup>110</sup> Burns, Nicholas, We Should Talk to Our Enemies, Newsweek Web Exclusive, October 25, 2008.

<sup>111</sup> Clinton, Hillary Rodman, 2009 May 17, in Transcript: NPR Democratic Candidates’ Debate, NPR.org, December 4, 2007, retrieved 9:20 AM, May 18, 2009, from <http://www.npr.org/templates/story/story.php?storyId=16898435>.

oversee the process.”<sup>112</sup> There is no reason to believe the same would not work with North Korea, or with the Islamic Republic of Iran.

### **1.7 United States, Libya and North Korea**

The United States, Libya and North Korea displayed high level inner-strength in their joint bid to resolving the nuclear technology acquisition standoff and controversy. After detailed and painstaking negotiations whereby direct and aggressive diplomacy were employed, the government of Libya has finally accepted responsibility for the 1988 bombing of Pan Am Flight 103 wherein 270 lives were lost when the plane exploded over Lockerbie, Scotland.

Libyan then Leader, Muammar al-Gaddafi, after a long period of international pressure, gave up his quest for nuclear technology and engaged with the US and European Union in negotiations. He stepped out of the way of genuine dialogues and diplomatic efforts in resolving past differences; accepted the role his government played in the bombing of Pan Am Flight 103 of 1988. And Nicholas Burns,<sup>113</sup> as vividly elaborated in his article, stated that the visit of Condoleezza Rice (US then Secretary of State under President George W. Bush) to Libya “[...] was the culmination of years of careful, deliberate diplomacy to maneuver the Libyan leadership to give up its weapons of mass destruction and renounce

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<sup>112</sup> Morris, Nigel and Buncombe, Andrew, 2012, February, in Common Dreams, Libya Gives up Nuclear and Chemical Weapons, December 20, 2003, Common Dreams, retrieved 9:11 AM, February 13, 20122014, from <http://www.commondreams.org/headlines03/1220-08.htm>.

<sup>113</sup> Nicholas Burns, born January 28, 1956, was a former undersecretary of state for political affairs and the highest-ranking American career diplomat until his retirement in April 2008. Cf. Burns, Nicholas, 2008, December 7, in Wikipedia, The Free Encyclopedia, Nicholas Burns R., retrieved 2:14 PM, December 8, 2008, from [http://en.wikipedia.org/wiki/R.\\_Nicholas\\_Burns](http://en.wikipedia.org/wiki/R._Nicholas_Burns).

terrorism. She would not have achieved that victory had she refused to talk to the Libyans.”<sup>114</sup>

### **1.7.1 World Reactions to Libyan Disarmament**

The following are the different reactions of world leaders to Colonel Muammar Gaddafi’s acceptance to scrap his country’s programs for developing weapons of mass destruction and to allow international inspectors to verify and oversee the process as articulated by BBC’s:<sup>115</sup>

#### **George W. Bush: President of the United States**

“When leaders make the wise and responsible choice, when they renounce terror and weapons of mass destruction, as Colonel Gaddafi has now done, they serve the interest of their own people and they add to the security of all nations. As Libya becomes a more peaceful nation, it can be a source of stability in Africa and the Middle East. Should Libya pursue internal reform, America will be ready to help its people to build a more free and prosperous country.”

#### **Tony Blair: Prime Minister of Great Britain**

“This courageous decision by Colonel Gaddafi is an historic one. I applaud it. It will make the region and the world more secure. It shows that problems of proliferation can, with good will, be tackled through discussion and engagement, to be followed up by the responsible international agencies.”

#### **Jack Straw: British Foreign Secretary**

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<sup>114</sup> Burns, Nicholas Burns, We Should Talk to Our Enemies, Newsweek Web Exclusive, October 25, 2008.

<sup>115</sup> World Reaction to Libya’s decision, 2011, February 12, in British Broadcasting Cooperation, World reaction to Libya’s decision, December 20, 2003, retrieved 11:02 PM, February 13, 2011, from <http://news.bbc.co.uk/2/hi/africa/3337029.stm>.

“He needs to be applauded in unqualified terms for what he has done. I believe it is very statesmanlike and courageous... If Saddam had come to us a year ago or more... then the situation in Iraq would have been a very different one.”

**Mohamed Abderrahmane Chalgam: Libya Foreign Minister**

“Libya wants to solve all problems and we want to focus on development and advancing our country. This (weapons) programme does not benefit our people or country... We want to have ties with America and Britain because this is in the interest of our people.”

**Dominique de Villepin: French Foreign Minister**

“Libya is heading down the path of disarmament. It's a success for the entire international community. France acclaims the diplomatic efforts of Britain and the United States, which allowed this result to be achieved. This confirms the efficiency of the political approach to bringing a peaceful response to the major challenge of proliferation. We are strong when the international community moves forward united.”

**Igor Ivanov: Russian Foreign Minister**

“We regard Tripoli's decision as a responsible act that will help strengthen the international non-proliferation regime and also efforts to improve security in the Middle East and Africa. Moscow believes this will be an important contribution towards making the Middle East nuclear-free, something that the international community desires.”

**Silvan Shalom: Israeli Foreign Minister**

“By really enforcing this decision, Libya will find its way back to the bosom of the international community.”

**Ahmed Maher: Egyptian Foreign Minister**

“I hope that other countries in the region ... would follow such an example ... get rid of and put an end to any nuclear weapons production programme... You know, of course, who I mean.”

**Amr Moussa: Arab League Secretary General**

“The Libyan move “emphasizes the need for Israel to comply with all the regulations that prohibit the proliferation of weapons... There should be no exceptions that would allow Israel [to have such weapons]”

**South African Department of Foreign Affairs**

“This move will further create the conditions for Africa to achieve its vision of having a continent free of weapons of mass destruction which is in line with policies of the African Union.”

**Yasuo Fukuda: Japan’s Chief Cabinet Secretary**

“It's good from the viewpoint that it means a step forward to the non-proliferation of nuclear weapons.”

**Liu Jianchao: Chinese Foreign Ministry Statement**

“China believes that political and diplomatic means are an efficient way of solving non-proliferation issues, and it supports strengthened international dialogue and co-operation in this respect.”

**Ana Palacio: Spanish Foreign Minister**

“Spain wishes Libya to occupy its proper place among nations under the rule of law.”

**Alexander Downer: Australia’s Foreign Minister**

“It illustrates a point: that if the world is strong and robust in confronting the proliferation of these weapons, it can be successful.”

### **Silvio Berlusconi: Italy’s Prime Minister**

“According to AFP news agency, Mr. Berlusconi said Italy had a hand in the agreement and that it had paid “particular attention” to the problem.”

Despite this positive outcome in Libya, some of the reactions from leaders from the region are not the same as European leaders. Some wondered aloud how Israel would be allowed to have such weapons that are yet to be declared to the UN and Libya could not be allowed to keep hers. Nonetheless, this positive outcome in Libya is a victory to aggressive diplomacy, and the reactions of leaders and nations in welcoming such development, is not to be interpreted as a victory-lap, but exactly what happens when world leaders and nations come together through an aggressive diplomacy under the umbrella of the United Nations. The positive effects of such unanimous pursuit are often overwhelming and could rub-off positively on the other UN grave agendas.

John Edward, a former US Congressman and presidential candidate applauded the Libya breakthrough. He believes that the administration of President George W. Bush was only at its best in the few times it chose to talk, dialogue, and negotiate with others. Throwing in his support for an aggressive diplomacy while applauding the breakthrough reached in the US-Libya saga, Edwards was quick to point out: “[...] diplomacy can work with even the toughest foes. The few foreign policy successes of the Bush Administration have come through the diplomacy it derides.”<sup>116</sup>

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<sup>116</sup> Edwards, John, 2009, May 1, in University of Iowa, Iowa, Speech on Iran, Council on Foreign Relations, University of Iowa, Iowa, November 5, 2007, retrieved 3:12 PM, May 1, 2009, from [http://www.cfr.org/publication/14779/john\\_edwards\\_speech\\_on\\_iran.html](http://www.cfr.org/publication/14779/john_edwards_speech_on_iran.html).

Edwards maintained that “rather than scrambling to deal with crises after they have erupted”, what we need today is “[...] to renew our commitment to engagement and diplomacy in order to solve problems before they occur.” Since “With engagement”, he said, “come far greater knowledge and the potential for progress and even trust.” And drawing strength from events in history, Edwards cited: “Presidents Kennedy and Reagan talked with Soviet leaders at the height of the Cold War, in both cases turning back major threats to our national security. We need to do the same with Iranian and North Korean leaders.”<sup>117</sup>

### **1.7.2 North Korea Should not be an Exception**

The Democratic People’s Republic of Korea (DPRK), better known as North Korea, has not hidden her quest to be nuclear capable in many decades. She pulled out of the Nuclear Non-Proliferation Treaty in 2003, and on October 9, 2006, her government announced that it has conducted its first nuclear test.<sup>118</sup> After years of concealment, the world was dazed not only with North Korea’s announcement of its ability to produce centrifuges that could weaponize nuclear missiles, but also its missile tests. It was a wakeup call that left world leaders, the US in particular, scrambling for action.

In an effort to dissuade North Korea from her nuclear capability pursuit, the Six-Party-Talks involving Democratic People’s Republic of Korea (North Korea), Japan, People’s Republic of China, Republic of Korea (better known as South Korea), Russian Federation and the United States of America went into full swing. In October, 2007 Pyongyang accepted to dismantle her three nuclear facilities. She also agreed to declare all her nuclear programs by the end of the year in exchange of security and economic incentives. Diplomats from the

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<sup>117</sup> Ibid.

<sup>118</sup> BBC, North Korea Profile, 2013, December 30, in British Broadcasting Cooperation, A chronology of Key Events, 17 December 2013, retrieved 7:00 AM, December 31, 2013, from <http://www.bbc.com/news/world-asia-pacific-15278612>.

participating six-party nations swung into action in negotiations on the best possible way to rid North Korea of her nuclear weapons.

For years now, this six-party talk has been ongoing. Unfortunately, it has not been a huge success. In point of fact, it has often been a tug-of-war with North Korea sometimes dramatically pulling out of the talks at will. Nonetheless, many equate the North Korean situation with the Libyan case that took a long stretch of aggressive diplomacy before Libya agreed to dismantle and hand over to the UN her nuclear technology. Like in Libyan situation, North Korea's willingness to come to the table, embrace diplomacy and talk with other nations on finding lasting solutions to her nuclear ambitions, is highly encouraging.

A compromise within the Six-Party-Talks has not only brought economic values in the form of trade to North Korea, but also led to her re-admittance into the world community and organizations like the UN, WTO, etc. And by endorsing the United Nations Security Council Treaty on Non-Proliferation of Nuclear Weapons, North Korea is again saddled, like other member-nations, with the responsibility of becoming, like other nations, watch-dogs for this treaty. Fact is that the Six-Party-Talks have not been able to get North Korea to a complete adherence to her promises of dismantling and declaring all her nuclear programs, a situation that has increased the tension in the Korean Peninsula. However, the major lesson of Libyan disarmament is that aggressive diplomacy worked without the shot of a gun. The Libyan experience could be replicated in North Korea through smart and aggressive diplomacy that makes selfish ambitions give way to responsible governance. It may be long in coming, but it is achievable. Let us take a look at the conflict in Kenya, whereby a roundtable talk by the warring factions broke the ice and brought a nation back from the brink of near-disaster.

## **1.8 Kenyan Conflict**

The name Daniel Arap Moi, was synonymous with Kenya as a country. Moi's almost unending reign as president of Kenya left many, if not all, with the single thought that he was born to rule. He clung to power with two hands and exercised it powerfully. After his long reign, Kenyans breathed a sigh of relief when he was gone. They thought a new day of democracy was born and never again in their history would they allow their democratic enterprise to stumble. But they may have thought hastily and were again proven wrong by the result of the election between the incumbent President Mwai Kibaki and Raila Odinga. The folks wanted change and a new direction. They thought they had voted for it on the December 30th. 2007 election, but the results were, at least to many Kenyans and international observers, eye-popping.

Media reports streaming out of Kenya reported on “[...] allegations of widespread government rigging, through tampering with voters’ registers, purchase of voters’ cards, printing fake ballot papers and directly and illegally bribing voters.”<sup>119</sup> A fraction of Kenyans who supported the opposition leader refused to recognize the manipulated results and were filled with rage. This rage eventually erupted into monstrous violence that claimed precious lives and property, and displaced so many. Kenya was recklessly screeching to an abrupt halt. According to “Africa Report” on “Kenya in Crisis”: “The announcement on 30 December 2007 by the Electoral Commission of Kenya (ECK) that the incumbent President Mwai Kibaki was the winner of the presidential election [...] plunged the country into an unprecedented political, security and humanitarian crisis.”<sup>120</sup> The report went on to say that weeks after the release of the election results, “[...] protest riots, repression by security forces and revenge

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<sup>119</sup> Salim, Lone, Flashback: Day Lights went out on Kenya, Independent of London, Online Edition, Tuesday, January 1, 2008, retrieved 4:35 PM, June 12, 2008, <http://www.eastandard.net/InsidePage.php?mnu=details&id=1143994821&catid=289>.

<sup>120</sup> Crisis Group, Kenya in Crisis, Africa Report N°137, 21 February 2008, p. 5.

killings by supporters of both camps [...] caused over 1,000 deaths and more than 300,000 internally displaced persons (IDPs).”<sup>121</sup>

As a result, there was a huge outpouring of international pressure on Kenyan leaders to swiftly end the violence. Washington asked for “a negotiated solution”. The UN Secretary-General Ban Ki-moon pushed for “a review of the election results and the negotiation of a transition towards a settlement of the crisis.”<sup>122</sup> Eventually, President Mwai Kibaki showed willingness for dialogue and negotiations. African Union came to action and mediated between the two leaders - President Mwai Kibaki and presidential candidate Raila Odinga. This paid off: Hatchets were buried; lives and properties were saved; Raila Odinga and President Mwai Kibaki shelved selfish ambitions, put the interests of their people and nation first, and worked out an agreement on a unity government.

Dan Okoth, a Kenyan journalist who wrote extensively during the chaos that engulfed his home country following the December, 2007 election, shared this opinion: “[...] the threat of more violence and the stark reality that the country was sinking deeper into the abyss brought Kibaki and Raila to the negotiating table that culminated in a deal signed on February 28.” In his article “The Case of Diplomacy and Theft of Elections” published in “The Standard” Okoth captured the resounding dividend of negotiations. He acknowledged that “[...] the power-sharing deal negotiated by former UN boss Kofi Annan brought an end to the post-election violence.”<sup>123</sup>

The resolution of the Kenyan conflict, as a matter of fact, highlighted the importance of dialogue and negotiations. It reaffirmed the fact that genuine

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<sup>121</sup> Ibid, p. 5.

<sup>122</sup> Crisis Group, Kenya in Crisis, Africa Report, p. 5.

<sup>123</sup> Okoth, Dan, 2009, September 21, in The Sunday Standard, Online Edition, Tuesday, September 16, 2008, retrieved 9:17, PM, September 22, 2009, from 2008, <http://www.eastandard.net/blogs/?msg=blogs&bid=522>.

dialogue is the ethical stimulus for lasting peace and order. Prizing high peace and order is the choice the people themselves must make. It cannot be imposed from outside through the use of force. The cracks have to be healed from inside and from the root, through the willingness of the people involved, and with the maximum support of international organizations and world powers. What resolved the crises in Kenya was the willingness to allow a coordinated negotiation, which eventually ushered in a government of national unity. Zimbabwe is another country with a success story on coordinated negotiation.

### **1.9 Zimbabwean Logjam**

Robert Mugabe assumed office as Zimbabwean President on December 22, 1987, becoming the country's first executive head of state. Prior to that, he was elected as Prime Minister, head of government, in 1980. Since then, Zimbabweans have known no other president except Mugabe. There is no gain saying that Mugabe's eternal cling to power makes him the oldest African leader of a state still serving actively. This situation has been panned at home and abroad. Mugabe himself has not hidden his animosity to world leaders who think Zimbabweans would be better-off with Mugabe gone. In the context of this work, our most concern centers on the Zimbabwean March 29, 2008 presidential and parliamentary election that ended in a logjam.

In 2008 election, none of the three major candidates – Robert Mugabe, Morgan Tsvangirai or Simba Makoni could secure an outright majority vote. Because there was no clear winner, a runoff election was held on June 27, 2008, between Morgan Tsvangirai who got 48% of the first round vote, and Mugabe who got 43% of the first round vote. However, citing violence against his supporters, Morgan Tsvangirai of the Movement for Democratic Change withdrew a week before the runoff election. Mugabe of the Zimbabwe African National Union (Patriotic Front) contested alone and of course won, but the problem persisted. It was a winning that brought no change on the ground. It not only complicated the

already hydra-headed and tensed situation, but also compounded the standard of living to the point that many Zimbabweans left en masse to neighboring countries.

Hopes were lost. Many thought it was already the dead-end. The three men heading their various parties could neither talk with nor listen to one another. The poor masses were at the receiving end, going through hell. It was precarious to the point that African Union had to mediate when the United Nations Security Council could not speak with one voice on the next line of action. Under intense pressure to find a way around the political impasse, Robert Mugabe, Morgan Tsvangirai and Simba Makoni met in Harare to negotiate on how to find solution to the problem.

The negotiation was not without its accompanying logjams. But again after a facilitated negotiation mediated by an elder statesman, former President Thabo Mbeki of South Africa, hatchets were buried, stumbling blocks became stepping stones, the interests of their people and nation superseded selfish ambitions, and they could work out an agreement on a unity-government of power-sharing. Robert Mugabe retained his sit as president, while Morgan Tsvangirai became the new prime minister. It was not a perfect union though, but it was a better option after such a protracted and highly contested election and its consequent aftermath that further complicated the ungodly humanitarian situation and harsh economic crunch already existent in Zimbabwe.

The person and personality of President Robert Mugabe notwithstanding, Zimbabwe is another granite example where two warring factions of President Robert Mugabe and the main opposition leader Morgan Tsvangirai could sit together and dialogue for the common good of the common man. This mediation paid off and reemphasizes the unequaled and invaluable place of dialogue in resolving differences of such magnitude.

## **1.10 Conclusion**

The essence of the United Nations is the maintenance of peace and security in and around the world through a coordinated diplomatic effort amongst nations. The Charter is eloquent on this singular essence of the United Nations. In part, the maintenance of peace and security in and around the world involves pushing for diplomacy and democracy where need be. However, it would be suitable to point out that the major obstacle to this noble endeavor of the UN is the seeming lack of justice and fairness for all and sundry. While pushing for diplomacy and democracy, it would be most appropriate to also push for justice and fairness, since it would be hyper-hypocritical to push for conflict resolution in a nation or region, while at the same time supplying the arms and ammunitions that keep the flames of conflict burning.

No doubt, a war like WWII could be the desired solution to achieving needed peace. Nonetheless, the Nigerian Civil War was a horrible experience, whereby the same aircraft which supplied the Federal Forces with arms and ammunition in the day time, would fly over to the Biafran Region to supply relief aids in the nights. The story was not different in Congo, Liberia, Sierra Leon and the rest. This heart-wrecking double standard was captured explicitly in the 2006 Hollywood movie, the “Blood Diamond”, whereby diamonds mined in African war zones are sold to finance conflicts, for the profit warlords and diamond companies across the world. In this present generation, allowing such double standard to go on, would not only be counter-productive, but would also rubbish the essence of the United Nations, which is the maintenance of peace and security in and around the world through a coordinated diplomatic effort amongst nations.

The cost of conflict could be devastating. Although some may benefit from it, conflict remains the chief enemy of all human endeavors. Therefore, genuine efforts must be made to facilitate conflict resolutions. This could come in

various forms, the conduct of diplomacy inclusive. Nonetheless, there are still impediments which in no way should discourage the engagement in smart diplomatic efforts. Events in history attest and bear witness to this very point. But that should not deter us from staying focused and engaged in the pursuit of genuine diplomatic activities.

Though the conduct of diplomacy may not always be successful, may not be the perfect silver bullet for all conflict resolutions, and the process could be agonizing could also take years for a conflict to be resolved, tempting many to employ the option of war, which only should be the last option, when other options have failed, diplomacy still works. However, for diplomatic efforts to yield the desired result, there is the need for the negotiating parties to compromise where need be.

However paradoxical and inexplicable it might sound, war remains central to human history and social change. It is the second nature of man to aim at dominating the other. But to bring it under good checks, there is an urgent need for a smarter diplomatic enterprise, conducted within a proper and result-oriented diplomatic process, whereby concessions are made by all parties involved in diplomatic negotiations.

In the upcoming chapter on seeking and making concessions through negotiations, we will deal in details the rigorous diplomatic process within which a genuine diplomatic activity is carried out before a diplomatic agreement is reached in conflict resolutions.



## Chapter Two

### 2 Seeking and Making Concessions

“ENDLICH AN EINEM TISCH!” - At last at one table!<sup>124</sup>



This cartoon is a practical illustration of what dialogue is not.

<sup>124</sup> Figure 1. Nieland, Jörgen (Hrsg.), Schritte zur Kultur des Miteinanders. Ein Dialog über den Dialog, Eb-Verlag, Hamburg, 2008, p. 2.

## 2.1 Introduction

Until one speaks, it could only take an ardent psychologist or a proverbial mind-reader to determine what one has in mind. Sometimes, the psychologist or the mind-reader could be inches away from being absolutely correct. In some cases, they could be long way out of the real truth. No matter the number of mind-readers and psychologists the world could afford, nations would still be short in learning the real thoughts and intentions of distant nations and remote villages.

It all means that a nation might mean good, have the right intention but badly misunderstood or misrepresented by others. Right intentions might be perceived wrongly too. Hence, there should be a forum whereby nations could come together to share ideas and sort out their differences. And in this forum there should be ethical norms that would serve as guiding principles amongst nations.

In picturing a world where every nation does what it wills with no recourse to dialogue and negotiations, no guiding principles or ethical norms, one would capture the image of a world in chaos, a world disintegrated, fractured and fragmented beyond repair, a world destined for annihilation. The United Nations and the other Regional Organizations such as the African Union, the Arab League and the Association of the Southeast Asian Nations, the European Union, the Organization of American States, etc., have been established to foster cooperation, political and economic integration, and dialogue amongst states or entities within a restrictive geographical or geopolitical boundary.<sup>125</sup> In simple terms, these organizations provide humanity the forum where dialogue and negotiations could take place. They provide the forum for diplomatic negotiations through a set of principles.

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<sup>125</sup> Regional Organization, 2009, March 25, in Wikipedia, The Free Encyclopedia, retrieved 10:17, April 22, 2009, from [http://en.wikipedia.org/w/index.php?title=Regional\\_organization&oldid=279677987](http://en.wikipedia.org/w/index.php?title=Regional_organization&oldid=279677987).

In the world of today where the quest for the acquisition of weapons of mass destruction is skyrocketing, flexing of muscles by nations would only put everyone at more risk. For nations to get their international businesses done and done well, dialogue is important. It may not be the perfect silver bullet in providing solutions in conflict resolution, but it is a solution with high priority.

Entirely in this thesis, our main target is not to jump to conclusion, but to show where one would land if one dares to jump. In human relations, a lot is achieved when folks, families and friends brave it and open up to one another in talks, dialogue or negotiations. Such engagement breaks barriers, stereotypes, biases, prejudices, and all associate components. It shows the way to a better understanding of issues and of one another, in the search for the common good, and the reduction of future frictions.

Putting human relations side by side with international relations, one would accept that dialogue and negotiations enhance good relations amongst nations. The act of negotiation is an integral act of diplomacy in international relations. It is that form of consultations intended for the common good. As an essential part of the means toward the common good, countries have the moral responsibility to strive toward the betterment of their wards through a positively focused dialogue. Countries need to engage one another. Even when it is unpopular to do so, there is always the need to engage in talks, and not just talking, but also listening to one another.

Most times, dialogue between two or more countries, is an effort to finding solution to an existing problem, settling a dispute, resolving a crisis or strengthening a relationship. Within such organizations like the United Nations, African Union, Arab League, Association of Southeast Asian States, European Union, or Organization of American States, dialogue aims at sorting out world or regional problems. In the process of negotiating, terms of future cooperation among nations are hammered out. It may not always achieve the desired

objectives, but whatever little it does, edifies the course of humanity. In all, such forum of coming together should, therefore, stay focused and positive.

In order to stay focused and positive, the desire for fruitful negotiations has to be pointed, seen as utmost priority, guided by willpower, and sound judgment. Simply put: negotiations have to be guided by ethics if they were to be rewarding. The aim has to be the ultimate good, thus, eschewing just negotiating for the sake or fun of it. The willpower that ensures a well pointed dialogue, does not just come accidentally, it has to be cultivated through the inner-strength, which is that faculty or ability that enables one to stay open, engaged and reasonable on a wide range of issues, with the firm purpose of not just talking for the sake of it, but genuinely aiming at finding a lasting solution based on mutual agreement, trust and understanding.

Other factors that are fruitful in negotiations amongst nations include the posture and psychology of it manifested in the display of good intentions, choice of words during the negotiations, cooperation with interest-parties, subsequent follow-ups and communications, and non-provoking actions during and after the negotiations. Negotiations amongst nations should never be passive, never to be engaged out of sympathy or born out of ridicule. It has to be effective, active, genuine, positive and focused. This is the reason why the act of negotiations in itself is a moral responsibility that is engaging, broadminded and binding. It must be open to other views, must eschew arrogance, avoid flexing of muscles and ready for a compromise when need be.

And to stand the test of time, and at the same time be of good service to humanity, dialogue, as an integral act of diplomacy, borne out of moral responsibility, has to operate on sound ethical principles that are sincere, respectful, effective and devoid of prejudice. Let us see other factors that count in diplomatic negotiations.

## 2.2 Negotiation: What Counts

In a classic definition of negotiation, Berridge, a former university teacher and now a freelance writer specializing in the theory and practice of diplomacy, states that “In international politics, negotiation, narrowly conceived, consists of discussion between officially designated representatives designed to achieve the formal agreement of their governments to the way forward on an issue that is either of shared concern or in dispute between them.”<sup>126</sup> Berridge termed negotiation as “the most important function of diplomacy” which “grapples directly with the most threatening problems, whether they are economic dislocation, environmental catastrophe, or war.”<sup>127</sup>

Negotiation does not occur in isolation but in a given circumstance. It is a more-than-normal conversation which often involves an “unusual situation”, maybe whereby conflict exists. This existent conflict must be one in which the parties involved “are equally convinced that a stalemate exists” and “are equally agreed that negotiation is the only way forward.” Realizing the existence of a conflict needing negotiation as a way forward, is the spark required to jumpstart negotiations through “direct or indirect contacts between rivals.” The spark is a necessary signal which could be in the form of “propaganda directed at allies and domestic constituencies.” With this signal, a “formula or framework for a settlement” would be floated by the intending mediators.<sup>128</sup> To negotiate, therefore, is to dialogue with one another in an effort to resolving an existent conflict. Being open and ready for dialogue does not mean weakness. It is rather a wise step in the right direction.

Senator Hillary Clinton posted a solid statement on her 2008 Presidential Campaign Website that enumerated the reasons why the United States should sit

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<sup>126</sup> Berridge, G. R., *Diplomacy, Theory and Practice*, p. 27

<sup>127</sup> *Ibid*, p. 27

<sup>128</sup> *Ibid*, pp. 29, 30, 31.

down in dialogue with other nations in order to solve world's lingering problems. In that statement, Senator Clinton reiterated: "We know we need global coalitions to tackle global problems like climate change, poverty, AIDS, and terrorism. And to keep our country safe, we need to start engaging our enemies again." Drawing from history in the effort to buttress the weight of a meaningful dialogue, Senator Clinton posted: "During the Cold War, with missiles pointed at us, we never stopped talking to the Soviet Union. That didn't mean we agreed with them or approved of them. But it did mean we came to understand them – and that was crucial to confronting the threats they posed."<sup>129</sup>

Embracing the window of dialogue shows the disposition to understanding the other better, and the resolve to finding lasting solution to the existent conflict. It also helps partners to identify areas of mutual cooperation like in trade, military, and expertise. Such embrace of dialogue means well-pointed initiative and responsible leadership. That is what counts. Negotiation amongst nations comprises of three key overlapping phases.

### **2.2.1 Pre-Negotiation Phase**

In resolving conflicts through diplomatic negotiations, the parties involved first of all engage one another in a pre-negotiation talk termed Pre-negotiation Phase. The Pre-negotiation Phase, as the first diplomatic move, is the most fragile of the three phases of negotiations, without which, the other phases would never see the light of the day.

In the pre-negotiation phase, "incidents that cause public alarm are avoided" so as not to pile unnecessary "pressure on leaders."<sup>130</sup> In essence, it is the phase of

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129 Clinton, Hilary Rodman, 2011, August 12, in Center forCentre For U.S Global Engagement, 2007, retrieved 11:14 AM, August 13, 2011, from <http://www.usglobalengagement.org/HillaryClintonQuoteArchive/tabid/1617/Default.aspx>.

<sup>130</sup> Berridge, G. R., p. 32

the initial activities before the “around-the-table” stage kicks off.<sup>131</sup> Pre-negotiation phase is that time of intense lobbying between partners that precedes the actual negotiations. This stage of the negotiations aims at several priorities which include securing the acknowledgement and understanding that a stalemate already exists needing resolution; adopting a realistic agenda that would guide the discussions and lead to serious and fruitful negotiations; and working out the procedure of activities that explains how and where the negotiations would proceed like “format, venue, level and composition of delegations, and timing.”<sup>132</sup>

Agreeing to the format within which the negotiations would be carried out is a priority in working out the procedure of negotiations. The format would stipulate whether there would be direct or indirect talks between the negotiating parties, who the third party, the intermediary would be, what the role of this third party should be, whether the talks could be better facilitated through conferences or conventions, whether the negotiations would be carried out in a bilateral or multilateral format or a combination of the two formats, who exercises what power and who reports to whom. All these factors influence the kind of format to be chosen.<sup>133</sup>

The choice of the venue is highly determined by the kind of format chosen for the negotiations. Naturally, each negotiating party would prefer to act as the host of the negotiations for the sake of convenience, for the sake of prestige, as a show of strength, or as a form of propaganda. But in the avoidance of undue

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<sup>131</sup> Saunders, H., We Need a Larger Theory of Negotiation: The Importance of Pre-negotiating Phases, *Negotiation Journal*, vol. 1, 1985, p. 249, in Berridge G. R., *Diplomacy, Theory and Practice*, 2<sup>nd</sup> ed., p. 30.

<sup>132</sup> Berridge, G. R., pp. 34, 35.

<sup>133</sup> Meerts, P., *The Changing Nature of Diplomatic Negotiation*, 1999, in Berridge G. R., *Diplomacy, Theory and Practice*, p. 36.

advantage, perpetration of propaganda or misinformation arising from the choice of the venue, it is most appropriate to consider a “[...] neutral ground, meeting halfway, and alternating (rotating, if there are more than two parties) home venues.”<sup>134</sup> A place with friendly climatic condition, good on-ground facilities, modern services, adequate security and efficient transportation would be irresistible in the choice of an appropriate venue for negotiations.

The nature, level, composition, and size of the delegations, is another serious priority in working out the procedure for negotiations. It has to be ironed out at what level the talks should be held, whether at the “ministerial or merely official level.” No doubt, “[...] the higher the level the more priority might reasonably be assumed and the more rapid progress reasonably expected.”<sup>135</sup>

Time and timing are big factors and serious priorities to be considered in working out the procedure for negotiations. Finding a time-frame that could accommodate all negotiating parties could be cumbersome. More so, agreeing on a start-date that is convenient to all and sundry is also hard to come by, thereby emphasizing the willingness for one or more sacrifices on the part of the negotiating parties. As these considerations are made with regard to time and timing of the negotiations, “[...] the issue of whether or not there should be a deadline for concluding the talks and, if so, what sort it should be [...]”<sup>136</sup>, should also be considered. Conducive atmosphere enables fruitful negotiations. When such is the case, the time is then ripe for serious talks. A successful conclusion of the pre-negotiation phase, introduces the beginning of the “around-the-table” stage that kicks off with the formula phase.

### **2.2.2 Formula Phase**

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<sup>134</sup> Berridge, G. R., p. 38

<sup>135</sup> Ibid, p. 41

<sup>136</sup> Ibid, p. 42

The Formula Phase deals with the “guidelines and framework for agreement.” In this phase, the “basic principles of a settlement” are hammered out, and “[...] there is usually more public awareness of what, in broad terms, is going on.” At this juncture, agreements are made on what each negotiating party would do in exchange for peace. For instance, in the November 1967 United Nations Security Council effort to resolve the aftermath of the Six-Day War between the Arabs and the Israelis, “the land for peace formula”<sup>137</sup> was agreed upon. In the United Nations Resolution 242 “[...] it was agreed that Israeli forces would withdraw ‘from territories [...] occupied in the recent conflict’. In return for this the Arab states would recognize the state of Israel and end the condition of belligerency with it [...]”<sup>138</sup>

A formula is acknowledged as good if “comprehensiveness, balance, and flexibility”<sup>139</sup> are its main attributes. After the agreement on the formula with which the negotiations are to be carried out, the Details Phase begins in full force.

### **2.2.3 Details Phase**

The Details Phase is the stage for the diplomatic experts, which is as complicated as it is time-consuming. It is the “final stage” of the negotiations in which the “terms” are defined, the “language” established and the details are ironed out and agreed upon by the parties involved.<sup>140</sup>

The Details Phase is a tough one indeed. At this point, both sides push untiringly to have an edge over the other in the wordings of the details of the negotiations,

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<sup>137</sup> Ibid, pp. 46, 47.

<sup>138</sup> Ibid, pp.46-47.

<sup>139</sup> Zartman, I., and Berman, M., *The Practical Negotiator*, Yale University Press, New Haven and London, 1982, pp. 109-14, in Berridge G. R., p.47.

<sup>140</sup> Berridge, G. R., pp. 49, 50.

at the same time engulfed with paranoia of the possibility of the other side redrafting the to-be-used-formula “by massaging the small print”. Berridge admitted that “[...] what often makes the details stage the toughest of all is the simple fact that it is the last stage: the moment of truth.” G. R. Berridge pointed out that “What is agreed here has to be acted on, so if the negotiators get it wrong they will suffer.”<sup>141</sup>

These three key overlapping phases: Pre-negotiation Phase, Formula Phase and the Details Phase, represent a step-by-step diplomatic process executed by means of negotiations. Let us go deeper now and examine the real essence of negotiation.

### **2.3 Essence of Negotiation**

Negotiation, as a form of dialogue, is an integral form of diplomacy in the form of mediation or peacekeeping, whereby diplomats navigate through a problem, sort out differences, and iron out areas of cooperation in an effort to finding a lasting solution in conflict resolutions. The spirit of diplomatic negotiations is based on a give-and-take basis and not on a must-win attitude. In this context, the feelings and aspirations of various interest groups are laid out on the table, in their raw nature, for an adult dialogue that would lead to finding common grounds in the form of compromise.

In his attention catching article published in “Blue Corn Comics” with the title “Diplomacy Works, Violence Doesn’t”, Robert Schmidt, a freelance writer who publishes Peace Party, a multicultural comic book featuring Native Americans, analyzed how major past conflicts could not be resolved through wars. He mentioned conflicts like Korea War, The Cuban Missile Crisis, Vietnam War, The Civil Rights Movement, The Cold War between the United States and its allies and the USSR and its allies, The Cold War against China, American

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<sup>141</sup> Ibid, p.51.

hostages in Iran, Solidarity vs. Poland, Apartheid South Africa, People Power vs. Marcos, The Berlin Wall, Northern Ireland, and Israelis versus Palestinians, as requiring aggressive diplomacy through negotiations for fruitful resolution. Schmidt concluded that “[...] in every one of these examples, violence didn’t end the conflict. True, not every conflict was resolved, but if something did resolve the conflict, it was diplomacy.”<sup>142</sup>

Diplomacy, therefore, is that potent key to world peace and security. At its fundamental nature is the quest for peaceful coexistence. Its weapons of success, according to Schmidt, include the following: “[...] negotiations, pressure, protests, boycotts, even threats - but not lethal violence.”<sup>143</sup> Among these weapons of success, negotiations remain at the core of it all.

Critics of diplomacy brand it as a form of appeasement through which one seeks to please the other, not out of fairness, but out of concession of one’s ground in an effort to avoid further complaints or reduce more difficulties. They criticize diplomacy as that strategy adopted to pacify a potentially hostile nation in the hopes of circumventing conflict. But understanding diplomacy as such is an outlier. Diplomacy is not one and the same as “appeasement” rather a spirited dialogue, a negotiation between conflicting parties aimed at finding a common ground in the interest of all and sundry.

The essence of negotiations, hence, is a give-and-take oriented formula that involves a vigorous dialogue with passion. If there is no give-and-take attitude, then the real meaning of diplomacy through negotiations would remain elusive. Equally, the act of diplomacy is not carried out in ignorance. Hence, it is appropriate to say that in international relations, diplomacy is pursued through

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<sup>142</sup> Schmidt, Robert, *Diplomacy Works, Violence Doesn’t*, copyright 2007, Blue Corn Comics, October 24, 2001, retrieved 11:15 AM, December 14, 2010, from <http://www.bluecorncomics.com/diplomac.htm>.

<sup>143</sup> Ibid.

negotiations to achieve a set of objectives even when they could be discomfoting or perceived as appeasement.<sup>144</sup> However, the real essence of negotiation requires the innermost-strength to realize its intent.

### **2.3.1 Negotiating from Innermost-Strength**

The innermost-strength is an enriching formula of ethics that affords an individual some quality-thoughts – “Akọ na Uche” - in a day-to-day activity. It is a great quality in both human and international relations. Relating these quality-thoughts to diplomatic activities in international relations, the innermost-strength becomes that endowment that informs sound judgments in the quest toward finding a common ground in the things that separate nations. To be able to discuss better the meaning of the innermost-strength, the following story down the memory lane will be of immense help.

My High School experience, like anyone else’s, showed that there were students who bragged a lot how strong they were. They would create this aura as if they were boxing or wrestling champions-in-waiting; would be willing to engage in random verbal and physical fights at least provocations, but when the chips are down, they would abandon the real fight, and run for cover; such person may be too loud, but so weak; and could talk the talk, but would not walk the walk. Such folks lack the innermost-strength to go beyond the ordinary and fight to the finish.

A concrete example would be appropriate at this point: One day, one of those boxing or wrestling champions-wannabes started his normal mantra and antics, intimidating all around. The scene was very annoying. At one instance, one guy who no longer could bear the bully’s antics of intimidation, took him straight on,

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<sup>144</sup> See On War: Pacifism vs. Realism chapter 4, 4.5. for more information on the arguments for and against appeasement.

confronted him word for word and blow for blow, leaving him practically staggering and hemorrhaging blood at the end. In as much as we are not advocating for such violence in schools, and normal day-to-day activity, we could draw a conclusion in unanimity. We the gleeful onlookers on that eventful day, witnessed a pathetic day for “Mr. Intimidator”, the bully, whose feet could no longer stay firmly stable in his out-of-alignment sandals

The short story of “Mr. Intimidator”, the bully, represents a show of outermost-strength which stands against everything the innermost-strength is all about. Unlike the outermost-strength, the innermost-strength comes from within, helps one stay calm and focused. And in the diplomatic circle, possessing this attribute is an invaluable plus that defines one as a diplomat “qua tale”.

The innermost-strength in the context of diplomacy is that moral power of a nation earned from its long outreaching history and total commitment in world affairs. It is not grabbed with force, not bought with wealth or by talking the talk. It is acquired by walking the walk, not only sporadically when it is convenient, but focused and consistent. The innermost-strength is acquired, not by the flexing of muscles or by showing off physical strength, but by a focused, robust, stable, and vigorous willingness to mediate in times of need.

Emphasizing the innermost-strength as a compendium of a nation’s moral power, John Edwards, a former United States Senator and two times presidential aspirant, stated bluntly in an article how a solid US innermost-strength could transform the world. “When it comes to reengaging with the world, there is no task more critical than restoring our moral leadership”, Edward wrote. “We must begin to create a world in which the despair that breeds radical terrorism is overwhelmed by the hope that comes with universal education, democracy, and

economic opportunity. By exercising this sort of leadership, we can transform a generation of potential enemies into a generation of friends.”<sup>145</sup>

This moral power of a nation supersedes violence as President Barack Obama echoed in his first address to the US Congress. “To overcome extremism” he said, “we must also be vigilant in upholding the values our troops defend [...] because living our values doesn’t make us weaker, it makes us safer and it makes us stronger.”<sup>146</sup> Continuing, President Obama emphasized: “In words and deeds, we are showing the world that a new era of engagement has begun. For we know that America cannot meet the threats of this century alone, but the world cannot meet them without America. We cannot shun the negotiating table, nor ignore the foes or forces that could do us harm. We are instead called to move forward with the sense of confidence and candor that serious times demand.”<sup>147</sup> Nonetheless, this willingness to sit with others and dialogue when need be, could suffer setbacks, especially from counterparts seeking the low road, or terrorist organizations seeking total capitulation from their targeted “foe”.

### **2.3.2 Impediment to Innermost-Strength**

The moral power to seek and make concessions through dialogue is the most precious asset of wise diplomats, who work tirelessly to present reasonable

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<sup>145</sup> Edwards, John, 2009, May 17, in Foreign Affairs: Sept/Oct 2007, CenterCentre For U.S. Global Engagement, Presidential Candidate Quote Archive, – Diplomacy, retrieved 6:30 PM, May 18, 2009, from <http://www.usglobalengagement.org/PresidentialCandidatesonDevelopmentandHealth/tabid/1627/Default.aspx#edwards>.

<sup>146</sup> Obama, Barack, 2010, December 13, in USA Today, Remarks of President Obama to Congress, Tuesday 24th February 24, 2009, retrieved December 14, 2010, from [http://www.usatoday.com/news/washington/2009-02-24-obamaspechtext\\_N.htm](http://www.usatoday.com/news/washington/2009-02-24-obamaspechtext_N.htm).

<sup>147</sup> Ibid.

arguments on why wars should not be the first option in settling disputes. Diplomats carry out this assignment through the ethics of their job, and through their moral power – the innermost-strength. It is that fountain from where they draw power, provide solutions, mend fences, and thereby avoid future conflicts. Nevertheless, this moral power, more often than not, is badly impeded in various forms and shapes.

Sound judgment is irreplaceable in the diplomatic circle and event. Like the function of a rudder to a ship and compass to an aircraft, sound judgment helps to stabilize the diplomatic activity. Knowing when to act and when to take yes for an answer helps to shape history for the common good. It would always be a poor judgment wanting to exclude anyone based on bad relationship or lack of friendship. That would be a poor judgment and lack of “Akọ na Uche”. A sound judgment should have the common good as its aim; should go beyond selfish ambitions; and should consider negotiations with both friends and foes for the peace and security of all and sundry as a high priority.

On the other way round, poor judgment, the lack of “Akọ na Uche”, could pose a disastrous outcome that would impact on the lives of many. It is a natural inclination for nations to only want to engage with familiar friends and allies. But the risk therein, is the loss of what the so-called “non-friendly” nations could have brought to the table of talk. Uneven representation simply ignores the diversity required for a balanced dialogue amongst nations. Worst still, misjudgment on who makes up the dialoging partner, is the all-time low that enables and emboldens ignored tyrants, dictator-regimes and ambitious leaders, who freely, disregard the appropriateness and the power of dialogue for the sake of defying perceived “marginalization”, a situation that does nothing other than to impede and erode world peace and security.

History of deceit, acting like a bully or wanting to impose one’s ideology on others is detrimental to proper dialogue. Many nations with a system of

government different from the one in the West feel somehow bullied by the West when they (West) advocate the entrenchment of democracy as a foundation on which peace or dialogue builds. Such nations like Saudi Arabia see such actions from the West as an imposition of one's ideology on others. This situation could also be detrimental to proper dialogue. However, verifiable pasts afford negotiators the necessary high moral ground, making the dialogue genuine, and setting the stage for the required diplomatic momentum perceived as essential in giving credence to the various diplomatic agreements. Such situation never sacrifices mutual trust, respect, understanding and credibility on the altar of selfishness. It rather allows the others the willingness accruing from the innermost-strength to move for respectful concessions. In essence, sound judgment and mutual trust cultivate the moral ground upon which a fruitful dialogue springs. Therefore, it would be safe to conclude that an element of mutual trust amongst impending negotiating partners facilitates a fruitful dialogue that not only sets the table for but also yields diplomatic agreements.

## **2.4 Toward Diplomatic Agreements**

Diplomatic Agreement is a formal or informal resolution between two or more political institutions aimed at finding solution to past conflict, existent problem, or possible tension. In detail, diplomatic agreement is the crescendo of diplomatic negotiations. As such, every other diplomatic maneuvering aims either at bringing diplomatic agreement to reality, or maintaining the already reached diplomatic agreement. Diplomatic agreements could be in a formal or informal form.

### **2.4.1 Formal and Informal Diplomatic Agreements**

Formal diplomatic agreement is an accord put into writing. Such agreement evokes "obligations enforceable in international law."<sup>148</sup> This form of diplomatic

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<sup>148</sup> Berridge, G. R., p. 72.

agreement is also known as a treaty. Informal diplomatic agreement is an agreement that only results to “a statement of commonly held principles or objectives” as opposed to “obligations enforceable in international law”. This form of diplomatic agreement is also termed “less-formal agreement”.

Lots of international agreements are realized through the less-formal form of agreement in the form of “exchange of notes or exchange of letters”. This technique is adopted because of the complexity and inconveniences involved in pursuing a formal ratification of a treaty arising from a formal diplomatic agreement. The political backlashes of a formal diplomatic agreement which include giving away of intelligence, arming the opposition and unwanted publicity are also minimized in an informal diplomatic agreement. Its name notwithstanding, informal diplomatic agreement does not in any way diminish the effectiveness of a diplomatic agreement, but goes a long way to quicken the process instead. In essence, agreeing to an informal diplomatic agreement is less bureaucratic, and the agreement “comes into force immediately upon signature”.<sup>149</sup>

Nevertheless, no matter how a formal or informal diplomatic agreement is reached, certain factors must be in place to create the necessary diplomatic momentum, which sustains the agenda for the negotiations, boosts the morale of the negotiators, and denies the opposition some talking points aimed at sabotaging the negotiations. Among the many factors, agreement on the deadlines steers the negotiation process step-by-step along the way until the crescendo is realized.

#### **2.4.2 Agreements on Deadlines**

A high priority en route diplomatic accord is the agreement on the deadlines. A deadline could be artificial, like “target dates” which are meant to be

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<sup>149</sup> Ibid, p. 77.

“psychological device to egg negotiations on”.<sup>150</sup> It could also be symbolic, like a specific date with “symbolic significance for the subject of the negotiations”. The deadline could also be a practical deadline, like the one that is “imposed by events that are either completely beyond the control of the negotiating party or only cancelled at considerable cost.”<sup>151</sup>

Not diminishing the impacts of artificial and symbolic deadlines, practical deadline is often the “most valuable”<sup>152</sup> deadline for the reason that it is more real, more realistic and more effective, as well as “determined by best estimates of the time required for a negotiation”. Practical deadline also provides the “calendar dates by which either some partial, interim, or final agreement must be reached”,<sup>153</sup> failure of which is consequential and attracts penalty in the form of sanctions or whatever measure deemed as appropriate in furthering the resolution of the conflict in hand.

The essence of agreeing on deadlines is to provide a step-by-step format wherein diplomatic negotiations could triumph. However, it belongs to the negotiating parties to decide on the finest formula through which diplomatic agreement could best be reached and harmonized. Since a less-formal diplomatic agreement excludes the characters of a treaty, meaning that “it is, in other words, not legally binding”, both formal and less-formal diplomatic agreements are circumstance-oriented, that is, based on the political needs or on a subject matter of a given time and place. The next factor in steering diplomatic negotiation

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<sup>150</sup> De Soto, Alvaro, Ending Violent Conflict in El Salvador, in *Herding Cats, Multi-Party Mediation in A Complex World*, ed. Chester A. Crocker, Fen Osler Hampson, Pamela Aall, 1999, pp. 363-4, in Berridge, G. R., p. 58.

<sup>151</sup> Berridge G. R., pp. 59, 61.

<sup>152</sup> De Soto Alvaro, Ending Violent Conflict in El Salvador, *Herding Cats, Multiparty Mediation in a Complex World*, eds. Croker Chester A., Hampson Fen Osler, Pamela Aall, Washington, DC., Institute of Peace Press, 1999, pp. 377-8, in Berridge, G. R., p.61.

<sup>153</sup> Berridge, G. R., p. 58.

process until the upsurge is realized is the application of metaphors to drive home the desired message.

### **2.4.3 Use of Metaphors**

Metaphors are routinely deployed en route every diplomatic agreement. Such metaphors like the “reset button” employed by the United States and Russia in their new and more engaged foreign policy initiative, or the metaphor of “race against time” are employed to sustain the diplomatic momentum. In the use of metaphors to sustain the diplomatic momentum, negotiating partners “collaborate against their common enemy, time, rather than one in which they compete against each other”. The reason why metaphors are employed is to help in “[...] stimulating all of the participants, together with their supporters, to believe that they are on something that is condemned to forward motion.”<sup>154</sup>

Use of metaphors is the second factor in steering the diplomatic negotiation process to the desired buildup. The third factor is a well-coordinated and methodical publicity and propaganda.

### **2.4.4 Publicity and Propaganda**

Good publicity would help in mobilizing “popular support for a negotiated solution”. Well-orchestrated media propaganda therefore, is of vital effect. Publicity and propaganda could both be “the enemy of negotiation” as well as “help to drive it forward”. However, the nature of the propaganda matters. Positive publicity and propaganda are essential boosts to diplomatic agreements. They complement one another and are never “antithetical”.<sup>155</sup>

In essence, publicity and propaganda are the other tactical machines that help to facilitate diplomatic agreements. It is a common belief that the more the details

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<sup>154</sup> Ibid, pp. 65, 66.

<sup>155</sup> Ibid, p. 67.

of negotiation are made public, the more the opposition grows and builds in a desperate effort to derail it. Nonetheless, it could also be argued that if the media picks up and repeats often the positive aspects of the negotiations, by laying emphasis on the metaphors for instance, the public opinion would favor the talks. Thus, diplomatic propaganda is that tool of diplomacy that requires good publicity to be effective.

The negotiating governments or parties make the decision on what form and factor to employ in their diplomatic negotiations. They also decide whether their potential agreement would “create international legal obligations”<sup>156</sup>, that is, whether such agreement would be a treaty.

## **2.5 Treaty: What Qualifies**

A treaty is “[...] an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation.”<sup>157</sup> To have a legal binding effect, every treaty must be registered with and published by the Secretariat of the United Nations. Unregistered treaty is not to be invoked “before any organ of the United Nations”<sup>158</sup>, placing the effectiveness of such treaty in doubt. It may not be binding too.

According to Berridge G. R., “[...] parties who want their agreement to create international legal obligations must write it out and give a copy to the UN; in so doing, they have created a ‘treaty’.”<sup>159</sup> A written agreement is, therefore, raised

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<sup>156</sup> Ibid, pp. 78, 72.

<sup>157</sup> Vienna Convention on the Law of Treaties 1969, United Nations, Use of Terms, Treaty Series, vol. 1155, Vienna, 2005, Article 2, Paragraph a, p. 3.

<sup>158</sup> Charter of the United Nations, Chapter XVI, Miscellaneous Provisions, Article 102, Paragraph 2, pp. 18-19.

<sup>159</sup> Berridge, G. R., p. 73.

to the status of a treaty not only to underline its importance, but also to give such agreement a binding character that creates obligations.

An agreement raised to the status of a treaty is also expected to have a “descriptive title” and a “preamble” which includes “[...] names and titles of the high contracting parties, the general purpose of the agreement, the names and official designations of the plenipotentiaries, and an affirmation that the latter have produced their full powers.”<sup>160</sup> It should also have “substantive” and “numbered” articles commonly beginning “[...] with definitions, and usually leading from the general to the more specific.”<sup>161</sup>

Likewise, for an agreement to become a treaty, “Final clauses which deal with matters such as the extent of application of the treaty, signature, ratification, accession by other parties, entry into force, duration and provision for renewal [...]”<sup>162</sup> must be a major part of the written agreement to be raised to the status of a treaty. Others include a “clause stating in witness whereof the undersigned plenipotentiaries have signed this treaty”, and an “indication of the place where the treaty is signed, together with the authentic language or languages of the text, and date of signature” as well as “seals and signatures of the plenipotentiaries”.<sup>163</sup>

After good negotiations, incorporation of the elaborate format and characteristics of a treaty, and signing of the agreement by the representatives of various parties, the agreement still has to be ratified by the leaders of

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<sup>160</sup> Grenville, John, et al., Ashley Soames and Wasserstein Bernard, *Major International Treaties, since 1945*, Routledge, New York, NY, 2001, , in Berridge, G. R., p. 75.

<sup>161</sup> Gore-Booth, Lord, (ed.) *Satow’s Guide to Diplomatic Practice*, 5<sup>th</sup> edn., Longman, London, 1979, pp. 240-1, in Berridge, G. R., p. 75.

<sup>162</sup> Grenville, John, et al., Ashley Soames and Wasserstein Bernard, *Major International Treaties, since 1945*, p. 13.

<sup>163</sup> *Ibid*, p. 13, in Berridge, G. R., p. 75.

governments of the negotiators. Ratification of treaty is the endorsement of the negotiated agreement by legitimate leaders of governments. It is the approving of the document by the “[...] negotiators’ political masters that they will honor an agreement negotiated and signed on their behalf.”<sup>164</sup> A practical example of what counts as a treaty would be of help here.

### **2.5.1 United States-Russia Arms Treaty: A Practical Example**

The United States – Russia New Strategic Nuclear Arms Reduction Treaty (START), is a treaty aimed at reducing stockpiles of world’s devastating arms, especially nuclear weapons. Patricia Murphy,<sup>165</sup> a columnist, recapped what the treaty is all about. She wrote: “The treaty itself, known as ‘New START’, would require Russia and the United States to agree to reduce their nuclear warheads by half, to reduce the number of intercontinental ballistic missiles and missile launchers, and to submit to on-site inspections by the other country’s weapons experts.”<sup>166</sup>

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<sup>164</sup> Berridge, G. R., p. 76.

<sup>165</sup> Patricia Murphy is a column writer for “The Capitolist for Politics Daily”. She is the founder of Citizen Jane Politics, a non-partisan website for women. She has written for The New York Times Wire Service, appears regularly as a political analyst in national media, including CNN, MSNBC and Fox News Channel, and speaks frequently on new media, women voters and politics. Cf. Murphy, Patricia, 2010, December 23, in Bloomberg Business week, Executive Profile, Patricia Murphy, Background, retrieved 8:11 AM, December 23, 2010, from <http://investing.businessweek.com/research/stocks/private/person.asp?personId=54717236&privcapId=53846723&previousCapId=22779&previousTitle=RRE%20Ventures%20LLC>.

<sup>166</sup> Murphy, Patricia, 2010, December 23, in Politics Daily, Start: Passage Virtually Assured, as 11 Republicans Split Ranks, PD: Politics Daily, retrieved 4:45 PM, December 23, 2010, from <http://www.politicsdaily.com/2010/12/21/start-splits-gop-as-treaty-advances-in-the-senate/>.

It is feared that Russia's many deployed tactical nuclear weapons that are less securely stored, could also fall into the hands of extremist groups. Also feared is that Russia may be tempted to use such nuclear weapons. Hence the move by President Barack Obama, rewarded by the consent of his Russian counterpart, President Dmitry Medvedev, who signed the new START treaty, that "[...] would require the former Cold War adversaries to cut deployed strategic nuclear warheads to no more than 1,550 each within seven years. It also would reduce the number of deployed strategic missiles and bombers to 700 for each side and establish a verification and inspection system to ensure they abide by terms of the agreement."<sup>167</sup>

In a more colorful wording, Peter Baker<sup>168</sup> writes: "The treaty obliges each country to have no more than 1,550 strategic warheads and 700 launchers deployed within seven years, and it provides for a resumption of on-site inspections, which halted when the original Start treaty expired last year. It is the first arms treaty with Russia in eight years, and the first that a Democratic president has both signed and pushed through the Senate."<sup>169</sup>

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<sup>167</sup> Alexander, David, Republicans fail in second bid to amend START, Sun Dec 19, 2010, retrieved 10:30 PM, December 23, 2010, from [http://news.yahoo.com/s/nm/20101219/pl\\_nm/us\\_nuclear\\_usa\\_start](http://news.yahoo.com/s/nm/20101219/pl_nm/us_nuclear_usa_start).

<sup>168</sup> Peter Baker is an American author and reporter, who wrote numerous front-page articles. His books include "The Breach: Inside the Impeachment and Trial of William Jefferson Clinton", published by Scribner in 2000, "Kremlin Rising: Vladimir Putin and the Russian Counter-Revolution". While with the Post, Baker spent several months covering events in the Middle East. Cf. Peter Baker (author), Wikipedia, [http://en.wikipedia.org/wiki/Peter\\_Baker\\_\(author\)](http://en.wikipedia.org/wiki/Peter_Baker_(author)).

<sup>169</sup> Baker, Peter, Senate Passes Arms Control Treaty With Russia, 71-26, 2011, December 22, in New York times, December 22, 2010, retrieved 1:20 PM, Friday, January 7, 2011, from <http://www.nytimes.com/2010/12/23/world/europe/23treaty.html?src=mv&ref=world>.

In facilitating diplomatic agreements, one dynamic is essential in ensuring that the negotiating parties enjoy some flexibility where need be. This important dynamic is the Face-Saving Cause.

## **2.6 Face-Saving Cause**

In many cultures, civilizations and democracies, the Face-saving Cause is an integral part of foreign relations and diplomacy. Granted that the content and substance of diplomatic agreement may meet the universally and conventionally accepted standards, but if any of the negotiating parties feels somewhat defeated or humiliated because of the choice of words or the wordings of the text of the agreement, then the whole talks may be destined to ruins. Even the country making the major concessions would not want to be perceived as weak. Hence, in ensuring a successfully negotiated diplomatic agreement, the tactics adopted in the communication of the substance and content of the entire diplomatic agreement must be a face-saving one.

Giving this dynamic option a positive consideration, prevents letting the “composition and structure, as well as the title of any agreement” to be the stumbling block to the realization of a successfully negotiated diplomatic agreement. Excluding the argument that “what one side wants to disguise the other will usually want to highlight” and vouching for face-saving options is an essential dynamic that enhances long lasting success and stability.<sup>170</sup> If for no other reason, there is the responsibility and necessity to save the face of “[...] those parties whose concessions would otherwise make them vulnerable to the wrath of their supporters.”<sup>171</sup> The face-saving cause could be in different forms:

### **2.6.1 Equally Authentic and Authoritative Text-Language**

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<sup>170</sup> Berridge, G. R., pp. 78-79.

<sup>171</sup> Cohen R., *Negotiating Across Cultures*, rev. edn., US Institute of Peace Press, Washington, 1997, p. 183, in Berridge, G. R., p. 79.

In order to help save face and facilitate a successful diplomatic agreement, the language of the text of the agreement must be “equally authentic and equally authoritative”. It should not afford either of the negotiating parties undue advantage over the other. And apart from disguising the language of concessions in order to save face, a stand that is in sharp contrast to WikiLeaks philosophy<sup>172</sup> that aims at keeping all transactions in the open, there is the need to ensure that the text of the agreement favors no particular party to the negotiations. In this regard, it is appropriate to ensure that languages of the parties negotiating are used in drafting the diplomatic agreements.

Latin language used to be the official and universally acknowledged language of diplomacy before French was adopted, and then English.<sup>173</sup> It is a common practice today having text of diplomatic agreements in the exact languages of the parties involved, with each copy being “equally authentic” and “equally authoritative”, reflecting “equality” as well as providing “[...] for an exchange of concessions on an equal basis.”<sup>174</sup>

### **2.6.2 English as Third-Language**

English is the most recent adopted language of diplomacy. However, the diplomatic agreement is written in local languages of the concerned parties, and then in English as the third-language of the agreement. The adoption of English as a third language of the text of the diplomatic agreements is used in

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<sup>172</sup> WikiLeaks is a non-profit media organization that leak information to the public while keeping the identity of their sources anonymous, thus providing a universal way for the revealing of suppressed and censored information. Its ground-breaking leak is the 251,287 leaked United States embassy diplomatic cables that exposed the United States Government’s foreign activities. Cf. WikiLeaks, Wikipedia, <http://en.wikipedia.org/wiki/WikiLeaks>.

<sup>173</sup> Grenville, John, et al., Ashley Soames and Wasserstein Bernard, *Major International Treaties, since 1945*, p. 10, in Berridge, G. R., p. 79.

<sup>174</sup> Berridge, G. R., p. 79.

maintaining sanity in the case of doubts on what kind of interpretation is to be applied to the text of the negotiated agreements. It is employed to make sure that the exact intention and interpretation of the text of the diplomatic agreements is followed to the later by all and sundry.

The English text rescues the situation where the diplomatic agreement is “vague or loose at certain points” or in a situation where “the language of one text” is favored more than “the language of the other.”<sup>175</sup> In the case of ambiguity as stated above, the English text takes preeminence over the other two local languages, since English is spoken and understood almost everywhere, and fast becoming world’s official language, thereby fighting off whatever embarrassment that might result from improper interpretation of the language of the agreement, and helping to save face from potential fallout of diplomatic agreement’s text-misinterpretation.

### **2.6.3 Use of Interpretative Notes**

Another face-saving tactics in diplomatic agreements is the placement of the “embarrassing concessions in documentary appendages to the main text” in the form of “[...] side letters, interpretive notes, appendices, additional protocols, and so on.” Whatever their forms and titles, such interpretative notes aim at making the “[...] concessions binding by putting them in a written, public agreement but to do so in such a way as to make them less likely to attract attention and easier to play down for those obliged to grant them.”<sup>176</sup>

### **2.6.4 Use of Euphemisms**

The use of euphemisms in the text of diplomatic agreement is another form of face-saving. Euphemism is the use of a word or phrase that is more neutral,

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<sup>175</sup> Ibid, p. 80.

<sup>176</sup> Berridge, G. R., p. 81.

vague, or indirect to replace a direct, harsh, unpleasant, or offensive term.<sup>177</sup> In describing the concessions made by a party or parties to diplomatic negotiations, insisting on full disclosure, as regards the details of the text of the diplomatic agreements, could end up exposing lots of the sensitive and hot-button issues that could lead to the disadvantage of the already negotiated diplomatic agreement.

In fact, negotiating parties would comfortably endorse agreements even when their prestige is at stake as long as the right language, especially euphemisms, is used. It has been proved beyond reasonable doubt that “[...] the use of words or expressions more palatable to the party that has made [concessions] is another face-saving feature of almost all politically sensitive international agreements, though at some price in terms of accuracy.”<sup>178</sup> Full disclosure, however good it is, may end up derailing the entire diplomatic agreement.

### **2.6.5 Use of Monetary Incentive**

Monetary incentives enable diplomatic agreement. In this context, money is not meant as bribery, but as incentives in the form of “reconstruction aid”. This works magic in settling diplomatic stalemate.

The United States and the European Union use this method especially in Africa and the Middle East to get some important concessions. They use payments in cash or kind to persuade key allies or hardliners to the diplomatic negotiations to “surrender some principled position”.<sup>179</sup> Its advantages notwithstanding, critics say that this form of face-saving is the same as bribery which is a form of corruption. On the other hand, its proponents state that the cost of peace could

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<sup>177</sup> Microsoft Encarta 2006, 1993-2005 Microsoft Corporation.

<sup>178</sup> Berridge, G. R., p. 82.

<sup>179</sup> Ibid, p. 83.

be immense in the form of the lives of the soldiers who sacrifice themselves for peace, or in the form of monetary incentives that persuade against war options.

### **2.6.6 Use of Linkage Formula**

Linking two or more separate diplomatic issues in one resolution-effort in a single diplomatic agreement is a well-known diplomatic practice. Different diplomatic concerns are deliberated together in a linkage formula on purpose, not only to save time and costs, but most importantly, to save face. Linkage formula is the “trading of concessions in unrelated, or only remotely connected” matters of concern, on the hopes that as it increases the “scope for imaginative solutions”, the stalemate would be resolved, but not “on their merits” or on the level of “quid pro quo”.

Linkage formula is often vague because the contents of the agreement are obscured deliberately. Berridge G. R. argues that “[...] where an agreement is based on linkage, it may be necessary to obscure this as much as possible, especially if one party has for years prior to the settlement insisted that it would have nothing to do with any such deal.” This argument sounds good, the formula saves face, only that as Berridge himself equally pointed out, this practice “[...] is deeply offensive to those who believe that issues should be resolved ‘on their merits’.”<sup>180</sup>

These face-saving formulas are better understood in the context of the principles of double effect, whereby the lesser evils becomes the better option. In themselves, they may not be the best solutions, but the bests of evils.

## **2.7 Conclusion**

The goings on in the world polity has made diplomacy through dialogue and negotiations a necessity for all. This necessity is not born out of choice, but out

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<sup>180</sup> Ibid, pp. 48; 83.

of inevitability. In this world whereby it is no longer safe to only be ready and willing to talk to friends, but foes as well, it has become a moral responsibility owed to all and sundry for countries to pursue an aggressive diplomacy through dialogue and negotiations. And this moral responsibility can only be honored through a cogent resolve to pursue universal peace and security for humanity.

This resolve comes only from the innermost-strength, that innermost-resolve to do what is right, just and beneficial. It is that resolve to do away with selfish ambitions, build strong unions and coalitions with allies from all cultures, colors and tongues. Though, like every other human endeavor, these unions and coalitions might be imperfect, but not to have them or not to abide by their principles, would only escalate the already precarious situation, and eventually result in untold universal instability and hardships. Such situation might lead humanity back to the state of nature, the Stone Age, whereby survival solely depended on man being “wolf to man”.

And in the zealous quest to withstand enemy nations, a new arm-race would emerge, proliferation of nuclear weapons would continue, chaos would rule the day, and could lead to explosive war situation. Allowing such situation would be a disservice to humanity. What humanity needs in this globalization age, is a spirited dialogue with friends and enemies alike. This only means working with the others to get the businesses of the day done and done well and on time too.

Nonetheless, when regimes, leaders of nations and those who not only cling to power, but also love to command it powerfully, either ignore diplomacy and negotiations or violate their tenets, it would be an absolute foolhardy to only rely on negotiations and diplomacy, there integral importance notwithstanding. Negotiation works where responsible commitments are made with an unbiased umpire like the UN, African Union, the Arab League, the Association of the Southeast Asian Nations, the European Union, and the Organization of American States are passionately coordinating events.

If negotiations fail to lead to the desired peace for humanity, or dissuade imminent armed attack, the use of force in exercising right of self-defense is, therefore, automatically triggered, and preemptive-strike in self-defense is a welcomed option. A war arising from such situation is justified as a war, not out of choice but out of necessity. But first, dialogue must be given a fair chance and platform to succeed.

No doubt, some might just want to engage in negotiations “merely in order to buy time or obtain the propaganda advantages”, or simply to position themselves or to be seen as “seeking a peaceful solution”. Some also come to the negotiating table with genuine intention to resolving political conflicts. This uncertainty is solved in the pre-negotiation phase whereby states agree that it “may be in their mutual interests to negotiate at all”, whereby an agenda is adopted, the formula is ironed out, and the details leading to the final stage is embraced.<sup>181</sup>

It is in the final stage, the tough stage, that the wordings of the negotiated agreement are composed, in the languages of the negotiating parties, and in English as the third language to be referred to in the case of doubt. The negotiating parties would also decide whether their agreement would have an international legal obligation, and as such a treaty which must be in writing and copy of which is to be submitted to the secretariat of the United Nations. They would also decide whether to “[...] settle for an informal agreement such as an exchange of notes, which may or may not be published and which, therefore, may or may not be a treaty.” Finally, they have also to decide whether they would adopt face-saving process with the aim “[...] to obscure and minimize the

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<sup>181</sup> Berridge, G. R., pp.42-44.

most sensitive concessions. This is not disreputable; it is a significant part of the art of negotiation.”<sup>182</sup>

To avoid or to manage a slow-down in diplomatic negotiations, “[...] negotiators characteristically resort to both artificial and symbolic deadlines, and lean on such practical ones [...] employ publicity and metaphors [...] and raise the level of the talks [...].”<sup>183</sup> However, for diplomatic negotiations to achieve the intended goals, negotiators must be ready and willing to seek and make concessions, after all, the goal of a diplomatic negotiation is about making and seeking concessions so as to eliminate the stalemates. Concession is never to be perceived as an appeasement, but rather a necessary diplomatic compromise in conflict resolutions.

Naturally, in whatever one cares so much about, there is always a critic out there who perceives such cares as irrational. These are opposing concerns. And merging these conflicting concerns in the face of reality means that each proponent of the conflicting concerns must make a concession. It means that there must be a compromise in the form of sacrificing what each side cares so much about in order to move forward. This is the meaning and nature of a necessary compromise, and according to President Barack Obama, compromise means “[...] sacrificing something that each of us cares about to move forward on what matters to all of us.”<sup>184</sup>

According to Berridge G. R., the first method for making concessions is “to compromise on individual issues” while the second is “[...] to give the other side more or less what it wants on one issue in return for satisfaction on a separate one.” Nonetheless, since culture and tradition go a long way to

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<sup>182</sup> Ibid, p. 84.

<sup>183</sup> Ibid, p.70.

<sup>184</sup> Obama, Barack, Reaction Obama’s reaction to the two-year extension of the George W. Bush Tax Cuts, Monday, 13<sup>th</sup> December, 2010.

influence the outcome of diplomatic negotiations, negotiators must keep their attitudes in good check, not to be too tough or so accommodating, not to be perceived as too flexible or too rigid, but always aiming at striking a good and prudent balance, through profound resolve and willingness toward resolving matters – the very reason for the negotiations in the first place – and adequately sustaining the diplomatic momentum to avoid breakdown of talks.

Negotiators and the states they represent should also realize that the process of negotiations is often “lengthy and laborious”. All in all, “[...] whichever strategy for making and seeking concessions, or whichever combination of them is adopted will depend on circumstances and the established style of the negotiators.”<sup>185</sup>

The detailed process of securing a result-oriented diplomatic resolution of conflicts in this chapter does not in any way deny the intrinsic right of self-defense of the victim of an actual armed attack. In the upcoming chapter dealing on preemptive attack in self-defense, the debates, circumstances and possible politicization of the meaning and practice of the right of self-defense will be our main focus.

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<sup>185</sup> Berridge, G. R., pp. 52-53.

## Chapter Three

### 3 Preemptive Attack in Self-Defense

#### 3.1 Introduction

The exact definition of what constitutes or could constitute an armed attack, which eventually triggers a response in the form of preemptive-strike in self-defense, seem to run short of broad endorsement. The definition varies as much as there are political scholars or diplomatic activists. Also, the on-ground assessment of the actual situation that could trigger a response in self-defense often provokes lots of ethical concern too.

Differing opinions notwithstanding, the United Nations Organization, through the Security Council, is a reliable institution whose functions include the determination and definition of what an armed attack is or should be, where an armed attack has taken place, is taking place or about to take place. But the proverbial saying that “every law has a loophole” has become the Achilles heel of the United Nations Charter Provisions. In spite of its overall strength, the Security Council has often come short in the determination and definition of what an armed attack is or should be, where an armed attack has taken place, is taking place or about to take place.

While Article 2 paragraph 4 of the UN Charter gave no direct definition of an armed attack, it warns members to “[...] refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations”<sup>186</sup>, Article 39 however, sees threat to the peace, breach of the peace, or act of aggression as already an armed attack.<sup>187</sup> Nonetheless, Reverso Dictionary defined an armed attack as a conflict that “involves people

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<sup>186</sup> Article 2:4, p. 3.

<sup>187</sup> Article 39, p. 9.

fighting with guns or carrying weapons.”<sup>188</sup> This shortcoming of the UN Security Council notwithstanding, history of state practices has also shown how the real meaning of an armed attack has been misinterpreted to suit desired goals and objectives. In this regard, Sir Isaac Newton’s third law of motion that “Every action has an equal and opposite reaction”<sup>189</sup> is by accident or design activated. However, unlike in Newton’s third law of motion, diplomatic conflicts are sometimes followed by reactions that are unequal and extremely devastating.

Given the time the United Nation’s Charter was written, and the ever changing conditions on the ground, the exact intent of the Charter could be misinterpreted. Advocates of war employ propaganda to influence decisions. For instance, advocates of regime change in the time of Saddam Hussein in Iraq, employed tones of propaganda to persuade the opinion to their favor. They argued that government of Saddam Hussein posed an imminent threat to neighbors and the world at large, hence the need to topple his government militarily. They warned against the consequences of inaction.

Hence, in this second chapter we would explore and examine such compelling arguments employed in justifying the case for preemptive-strike in self-defense.

### **3.2 Great Debate**

The great debate on the ethics of preemptive-strike in self-defense centers on who the victim of an armed attack would be, that qualifies to pick up arms in

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<sup>188</sup> Armed Attack, 2012, June 17, in Reverso Dictionary, retrieved 10:45 AM, June 18, 2012, from <http://dictionary.reverso.net/english-cobuild/armed%20attack>.

<sup>189</sup> Newton, Isaac, 2011, December 31, in ComPADRE, Third Law of Motion, The Physics Classroom, Hosted by comPADRE, 1996-2010, retrieved 3: 33 PM, January 1, 2011, from <http://www.physicsclassroom.com/class/newtlaws/u2l4a.cfm>.

self-defense. The deliberation rings around the question: whether at all arms-retaliation is the best means of conflict resolution and to what extent?

This debate became more heated and intense, as well as significant, after the tragic events of September 11, 2001 in the United States. Kacerauskis Vytautas of the School of Law at the Vytautas Magnus University (formally known as University of Lithuania), a public university in Kaunas, Lithuania, is of the opinion that that awful incident highlighted once more, the urgent need to take a second look at what really constitutes an actual armed attack in the present era, and who the victim of an armed attack actually is in order to ensure the security of countries and their citizens against unexpected and unannounced attacks, even by terrorist groups who are equipped with up-to-date technologies, and are capable of causing immense harm.<sup>190</sup>

Terrorist and the acts of terrorism do not conform to what a conventional armed buildup is known to be. An organization does not share same status as a recognized state. They (terrorists) know no boundaries; do not believe in the ethics of war and the tenets enshrined in the Charters of the United Nations; they possess ideological rigidity and are zealotry too; and they probably may not assemble military troops in the conventional sense, etc. These complexities notwithstanding, terror groups could be located and localized.

The administration of President George W. Bush in the wake of the terror attack in the United States adopted the strategy to strike nations who harbor such terror organizations like al-Qaida. The US National Security Strategy says: “We make no distinction between terrorists and those who knowingly harbor or provide aid

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<sup>190</sup> Kacerauskis, Vytautas, 2010, October 17, in International Journal of Baltic Law, Washington Times, ISSN 1648-9349, Issue: 1/2005, pp. 80-100, received 12:12 PM, October 18, 2010, from [https://moodle.unob.cz/pluginfile.php/18143/mod\\_resource/content/1/Preventivn%C3%AD%20-%20preemptivn%C3%AD%20sebeobrana.pdf](https://moodle.unob.cz/pluginfile.php/18143/mod_resource/content/1/Preventivn%C3%AD%20-%20preemptivn%C3%AD%20sebeobrana.pdf).

to them.”<sup>191</sup> This stand sparked off a huge political and diplomatic debate worldwide. While many argued that the perception of a threat could not be enough ground that empowers a country to strike the other in self-defense, others highlighted the consequences of inaction.

Michael Bothe, a German legal scholar who has written extensively on ethical and legal topics, weighed into this debate with a very compelling argument. In his writing “Terrorism and the Legality of Preemptive Force”, Bothe argues that “a threat may be so direct and overwhelming that it is just not feasible to require the victim to wait to act in self-defense until the attack has actually started. In this case, a situation equivalent to an armed attack prevails.”<sup>192</sup> Citing the plea entered by the United States in the Carolina Case<sup>193</sup> in 1841, Bothe quotes: “There must be ‘a necessity of self-defense, instant, overwhelming, leaving no choice of means, and no moment for deliberation.’”<sup>194</sup> Bothe’s argument based on the overwhelming nature of a threat, gained enough traction in this great debate.

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<sup>191</sup> The National Security Strategy, III: Strengthen Alliances to Defeat Global Terrorism and Work to Prevent Attacks Against Us and Our Friends, US, 2002, p. 5.

<sup>192</sup> Bothe, Michael, Terrorism and the Legality of Preemptive Force, EJIL 2003, Vol. 14 No. 2, pp. 227-240, retrieved 10:10 PM, January 1, 2011, from <http://ejil.oxfordjournals.org/content/14/2/227.short>.

<sup>193</sup> The Caroline Case is an incident in 1841 used to establish the principle of “anticipatory self-defence” in international politics, which holds that it may be justified only in cases in which the “necessity of that self-defence is instant, overwhelming, and leaving no choice of means, and no moment for deliberation”. The Carolina Affair (Case) is also now invoked frequently in the course of the dispute around preemptive strike (or pre-emption doctrine).

<sup>194</sup> State Secretary Webster, British and Foreign State Papers 29, 1840-1841, at 1129, 1138, in Terrorism and the Legality of Preemptive Force, Bothe Michael, EJIL, 2003, Vol. 14 No. 2, 227-240, retrieved 10:10 PM, January 1, 2011, from <http://ejil.oxfordjournals.org/content/14/2/227.short>.

Explaining the actual circumstances whereby force could be used, Jules Lobel<sup>195</sup> and Michael Ratner<sup>196</sup> writing on “Bypassing the Security Council: Ambiguous Authorizations to Use Force, Cease Fires and the Iraqi Inspection Regime”, suggested two conditions under which arms could be taken in self-defense: “in collective or individual self-defense against an actual or imminent armed attack; and when the Security Council has directed or authorized use of force to maintain or restore international peace and security.”<sup>197</sup> It could be proper to deduce from the argument of Lobel and Ratner that the permissible use of force requires the actual existence of an armed attack, or of a situation equivalent to an armed attack. Other scholars employed various forms of analogies and arguments in their efforts to keep the debate alive and focused.

### **3.2.1 Claud Waldock: Underway-Attack Analogy**

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<sup>195</sup> Jules Lobel, a Professor of Law, is editor of a text on civil rights litigation and of a collection of essays on the U.S. Constitution, *A Less Than Perfect Union* (Monthly Review Press, 1988). He is author of numerous articles on international law, foreign affairs, and the U.S. Constitution in publications including *Yale Law Journal*, *Harvard International Law Journal*, *Cornell Law Review*, and *Virginia Law Review*. He is a member of the American Society of International Law.

<sup>196</sup> Michael Ratner (born 1943, Cleveland, Ohio) is an attorney and president emeritus of the Center for Constitutional Rights (CCR), a non-profit human rights litigation organization based in New York. Ratner, is known for his human rights activism. He is the author of numerous books and articles, including *The Trial of Donald Rumsfeld: A Prosecution by Book*, *Against War with Iraq and Guantanamo: What the World Should Know*, as well as a textbook on international human rights.

<sup>197</sup> Lobel, Jules and Ratner, Michael, *Bypassing the Security Council, Ambiguous Authorizations to Use Force, Cease-Fires and the Iraqi Inspection Regime*, 93 *American Journal of International Law*, No. 1, January 1999, pp. 124-154.

Sir Claud H. M. Waldock<sup>198</sup> employs an illustration of an “underway attack” to weigh in on self-defense circumstance. Waldock argues thus: “Where there is convincing evidence not merely of threats and potential danger, but of an attack actually mounted, then an armed attack may be said to have begun to occur, though it has not passed the frontier.”<sup>199</sup> Waldock cited the Japanese fleet en route Pearl Harbor during World War II as an example of an attack underway. And he insisted that although the attack was still underway, the US use of force in such circumstance is a preemptive-strike in self-defense against an occurring attack.<sup>200</sup>

Waldock’s argument based on an underway-attack, as well as the example presented, is indeed compelling. There was no doubt of the potency of the Japanese weapons and technology. The target of their attack, as well, was not hidden. Hence, sitting back and allowing such weapons of inexplicable potency to carry out the desired intention, could amount to error in judgment. In such an underway-attack, the potential victim becomes a real victim by virtue of the desired intention of the attacker, and therefore, should have the right of striking preemptively in self-defense.

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<sup>198</sup> Sir Claud Humphrey Meredith Waldock (1904–1981) was a British jurist; served as the British judge in the International Court of Justice from 1973 until 1981; had served on the United Nations International Law Commission from 1961 to 1972, and was Chichele Professor of Public International Law at All Souls College, Oxford. Cf. Humphrey Waldock, Wikipedia,

[http://en.wikipedia.org/w/index.php?title=Humphrey\\_Waldock&oldid=594897718](http://en.wikipedia.org/w/index.php?title=Humphrey_Waldock&oldid=594897718).

<sup>199</sup> Waldock, Claud H. M., *The Regulation of the Use of Force by Individual States in International Law*, 81 *Recueil des Cours*, Hague Recueil, 1952, pp. 451;498, in: O’Connell Mary Ellen, *The Myth of Preemptive Self-Defense*, *American Society of International Law*, August 2002, retrieved 5:30 PM, July 1, 2010, from <http://www.asil.org/taskforce/oconnell.pdf>.

<sup>200</sup> *Ibid.*

### 3.2.2 Stephen Murdoch: Loaded-Gun Analogy

Stephen Murdoch's<sup>201</sup> illustration of a loaded gun being pointed brought a twist into the debate. Murdoch queries: "When can a person begin to protect himself from such a threat: does he have to wait until the first shot is fired at him? Maybe it is enough to wait until the gun is pointed at him."<sup>202</sup> Realizing the possibility that pointing a gun does not imply shooting, Murdoch continues: "[...] maybe, it is enough for him just to know that the person has a loaded gun, is capable of attacking, and has a bad reputation for having attacked or threatened people. What difference does it make if the potential attacker makes threats or shows other signs of preparing for the attack?"<sup>203</sup> And pushing his argument in favor of a nation taking an action in self-defense in the face of such glaring circumstance, Murdoch asks: "To put it in terms of relations between states, does a state have to suffer the first blow, i.e. to wait until bombs start falling on its soil before it can respond?"<sup>204</sup>

Waiting for the first shot to be fired or until bombs start falling might be the risk of one's life. In order to avert the potential damage or even have the ability to retaliate, one has to have the ability to do so by staying alive first. The first shot of gun or the dropping of bombs could incapacitate the victim. It could also lead to death, leaving no room for striking back in self-defense. However, the UN

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<sup>201</sup> Stephen Murdoch, a journalist and writer, is the author of "IQ: A Smart History of a Failed Idea (in the UK, IQ: How Psychology Hijacked Intelligence)"; was a weekly columnist for the Santa Barbara News-Press; contributed to Newsweek, The Washington Post, The Christian Science Monitor, The Washington Lawyer, and The Boston Globe.

<sup>202</sup> Murdoch, Stephen, Preemptive War: Is It Legal?, 2010, December 18, in DC BAR: for Lawyer, 2003, retrieved 11:10 PM, December 19, 2010, from [http://www.dcb.org/for\\_lawyers/resources/publications/washington\\_lawyer/january\\_2003/war.cfm](http://www.dcb.org/for_lawyers/resources/publications/washington_lawyer/january_2003/war.cfm).

<sup>203</sup> Ibid.

<sup>204</sup> Ibid.

Charter provisions on the use of armed force in self-defense, present a huge intrigue, leading many to question its present-day relevance.

### 3.3 Relevance of the United Nations Charter

Anthony C. Arend<sup>205</sup>, in his writing, “International Law and the Preemptive Use of Military Force” in *The Washington Quarterly*<sup>206</sup>, argues that the United Nations Charter provisions only took care of “clear, overt acts of aggression undertaken by regular military forces of states”,<sup>207</sup> clear and overt here representing the conventional armed attack, and suggesting, maybe, that United Nations Charter provisions need a rewrite to address non clear and overt circumstances. On the contrary, however, Kacerauskis Vytautas<sup>208</sup> shares a different point of view.

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<sup>205</sup> Anthony Clark Arend (born October 24, 1958) is Professor of Government and Foreign Service at Georgetown University. On July 1, 2008, he became the Director of the Master of Science in Foreign Service Program at the Walsh School of Foreign Service at Georgetown University. With Professor Christopher C. Joyner, he founded the Institute for International Law & and Politics (now called the Institute for Law, Science and Global Security) at Georgetown University and served as co-director of the Institute from 2003-2008. He is also an adjunct professor of law at the Georgetown University Law Center. From 2005-2009, he edited the blog, *Exploring International Law*. His blog can now be found at the website [AnthonyClarkArend.com](http://AnthonyClarkArend.com). He is a member of the Council on Foreign Relations. Cf. Arend, Anthony Clark, 2011, October 12, in Georgetown University, General Profile, retrieved 4:40 PM, October 13, 2011, from <http://explore.georgetown.edu/people/arenda/>.

<sup>206</sup> *The Washington Quarterly* (TWQ) is a journal of international affairs, analyzing global strategic changes and their public policy implications. It is published by the Center for Strategic and International Studies and Taylor & Francis.

<sup>207</sup> Arend, Anthony Clark, *International Law and the Preemptive Use of Military Force*, *The Washington Quarterly* - Volume 26, Number 2, spring 2003, pp. 89-103.

<sup>208</sup> Kacerauskis Vytautas is a Lithuanian author and a professor. His article in the *International Journal of Baltic Law*, “Can a member of the United Nations unilaterally decide to use preemptive force against another state without violating the UN charter?” was published in

Vytautas is of the opinion that the United Nations Charter in its present form is good enough, needing no review or update, but should be interpreted to fit into the present context and need. In his article “Can a Member of the United Nations Unilaterally Decide to use Preemptive Force against another State without Violating the UN Charter?” Vytautas argues that “[...] preemption under the United Nations Charter should be interpreted in the light of the present circumstances.” He insists that the 1945 Charter of the UN [...] could not have foreseen all the threats that may arise 60 years later [...]” Proffering a solution, Vytautas suggested that “[...] the true purpose and objectives of the Charter should be kept in mind in order to understand the meaning of its relevant provisions.”<sup>209</sup> While Arend calls for a complete overhaul of the UN Charter provision, making it more relevant according to the present day demands, Vytautas sees the Charter provisions as still relevant, only that they be interpreted in the present situation. A look at some post Charter use of force in self-defense would help to bring to light the differing interpretations of the Charter intentions.

### **3.4 Post Charter Armed Attack in Self-Defense**

Since the adoption of the United Nations Charter in 1945, the use of military force in self-defense has been explained as an inalienable right, which the victim of an armed attack possesses by virtue of being the victim of an armed attack. This Charter provision is indisputable. However, the controvertible aspect of this

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International Journal of Baltic Law (International Journal of Baltic Law). The full PDF of this article is accessible in Central and Eastern European Online Library: [www.ceeol.com](http://www.ceeol.com).

<sup>209</sup> Kacerauskis, Vytautas, 2010, October 17, in International Journal of Baltic Law, Washington Times, ISSN 1648-9349, Issue: 1/2005, received 12:12 PM, October 18, 2010, pp. 80-100, from <http://www.ceeol.com/>

Charter provision lingers on the misinterpretation of what qualifies one as an actual victim of an armed actual whose right it is to bear arms in self-defense.

Some nations have used military force against one another both in self-defense and in acts of aggression. However, these two opposing use of arms have been interpreted to mean one and the same, leaving one to wonder if the rightness or wrongness of an action depends on who wins the propaganda fight, or on the ethics of right conduct. Let us take a look at these three concrete examples whereby armed attack occurred in the claims of self-defense.

### **3.4.1 1962 Cuban Missile Crisis**

The Cuban Missile Crisis<sup>210</sup> in the early 1960s between the United States, the then Union of Soviet Socialist Republics and the Soviet Union (USSR) and the

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<sup>210</sup> The Cuban Missile Crisis, known as The October Crisis in Cuba or the Caribbean Crisis in Russia, was a confrontation between the Soviet Union, Cuba and the United States in October 1962, during the Cold War. In September 1962, the Cuban and Soviet governments began to surreptitiously build bases in Cuba for a number of medium- and intermediate-range ballistic nuclear missiles (MRBMs and IRBMs) with the ability to strike most of the continental United States. This action followed the 1958 deployment of Thor IRBMs in the UK and Jupiter IRBMs in Italy and Turkey in 1961 – more than 100 U.S.-built missiles having the capability to strike Moscow with nuclear warheads. The John F. Kennedy administration enforced a military quarantine of Cuba, insisting that it would not permit offensive weapons to be delivered to Cuba and demanded that the Soviets dismantle the missile bases already under construction or completed in Cuba and remove all offensive weapons. On the Soviet end, Nikita Khrushchev wrote in a letter to Kennedy that his quarantine of “navigation in international waters and air space” constituted “an act of aggression propelling humankind into the abyss of a world nuclear-missile war.” The Soviets publicly balked at the U.S. demands, but in secret back-channel communications initiated a proposal to resolve the crisis. The confrontation ended on October 28, 1962 when President John F. Kennedy and United Nations reached an agreement with Soviet Premier Nikita Khrushchev to dismantle the offensive weapons and return them to the Soviet Union, subject to United Nations verification, in exchange for the deactivation of US-built Thor and Jupiter IRBMs deployed in

Republic of Cuba (ROC) stands out. It all began in the month of April 1961 when a CIA-trained Cuban exile made an unsuccessful effort to topple the regime of President Fidel Castro. As a reaction to this US backed action, Cuban President Fidel Castro, on May 1<sup>st</sup>, a month after the failed invasion, declared Cuba a socialist republic and turned entirely to the Soviet Union for direct funding in his bid to modernize the Cuban military.<sup>211</sup>

The new found alliance between the Soviet Union and the Republic of Cuba led to a military build-up by the Soviet Union on the island of Cuba in 1962. This Soviet Union – Cuba alliance became a tremendous worry for the US, fearing such could signal the expansion of Communism and Socialism. In reaction, the US deployed the Jupiter and Thor medium-range ballistic missiles near Izmir, Turkey. The Soviet Union felt entirely threatened by this action of the US, and the arm race and the Cold War began.

In 1962, a joint US Congressional Resolution authorized the use of military force in Cuba if the US interests were threatened. As a result of this Congressional Resolution authorizing the use of military force, the Soviets came to the rescue of Cuba and built a missile-base in Cuba. Each party claimed to have acted in self-defense.<sup>212</sup> President John F. Kennedy insisted that the US “[...] no longer live in a world where only the actual firing of weapons

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Europe and an agreement by the United States to never invade Cuba. The Soviets removed the missile systems and their support equipment; and the quarantine was formally ended on November 20, 1962. The Cuban Missile Crisis spurred the creation of the Hotline Agreement and the Moscow-Washington hot line, a direct communications link between Moscow and Washington, D.C., Cf. Cuban missile crisis, Wikipedia, March 10, 2009, [http://en.wikipedia.org/w/index.php?title=Cuban\\_missile\\_crisis&oldid=598214576](http://en.wikipedia.org/w/index.php?title=Cuban_missile_crisis&oldid=598214576).

<sup>211</sup> Cuban missile crisis, Wikipedia, Cuban Missile Crisis, March 10, 2009, retrieved March 11, 2009, from [http://en.wikipedia.org/wiki/Cuban\\_Missile\\_Crisis](http://en.wikipedia.org/wiki/Cuban_Missile_Crisis).

<sup>212</sup> Whiteman, The Cuban Missile Crisis, 1962, Digest of International Law, Vol. 4, 523-24, 1965, reprinted in Henkin, pp. 702-703.

represents a sufficient challenge to a nation's security to constitute maximum peril."<sup>213</sup> The rhetoric and military deployments from both sides were high and swift respectively, to the point of a near-nuclear-war confrontation. A deal was struck on October 28, 1962, and the world's closest nuclear war ever, was averted.<sup>214</sup>

### 3.4.2 1967 Six-Day War

The Six-Day War<sup>215</sup> was a war waged for six days (from 5<sup>th</sup> to 10<sup>th</sup> of June, 1967) between Israel and its Arab neighbors: Egypt, Jordan, and Syria.<sup>216</sup> The trigger for the war, many admit, was the declaration of Israel as an independent state. The Arab nations faulted the declaration, claiming that the Palestinian territory was compromised to the undue advantage of the new Jewish state.

Acting on the recommendation of the United Nation Special Committee on Palestine (UNSCOP ) on a two-state solution, with Palestine and Israel as two

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<sup>213</sup> William, Taft, H., IV, The Legal Basis for Preemption Author: William H. Taft IV, Council on Foreign Relations, Memorandum, To: Members of the ASIL-CFR Roundtable, Subject: Old Rules, New Threats, retrieved 8:15 PM, December 19, 2010, from [http://www.cfr.org/publication/5250/legal\\_basis\\_for\\_preemption.html?id=5250](http://www.cfr.org/publication/5250/legal_basis_for_preemption.html?id=5250).

<sup>214</sup> Wikipedia, Cuban Missile Crisis, 2009, March 10, in Wikipedia, The Free Encyclopedia, 2009, retrieved 8:45 AM, March 11, 2009, from [http://en.wikipedia.org/wiki/Cuban\\_missile\\_crisis](http://en.wikipedia.org/wiki/Cuban_missile_crisis).

<sup>215</sup> The Six-Day War was also known as the June War, the 1967 Arab-Israeli War or the Third Arab-Israeli War. At the end of the war, Israel took control of the Gaza Strip and the Sinai Peninsula from Egypt, the West Bank and East Jerusalem from Jordan, and the Golan Heights from Syria. The status of the Israeli-occupied territories and the concurrent refugee problem, are central concerns in the ongoing Israeli–Palestinian conflict, raising issues in international law, and having far-reaching consequences in global affairs. Cf. Six-Day War, 2009, March 10, in Wikipedia, The Free Encyclopedia, 2009, retrieved 8:50 AM, March 11, 2009, from, [http://en.wikipedia.org/wiki/Six-Day\\_War](http://en.wikipedia.org/wiki/Six-Day_War).

<sup>216</sup> Krauthammer, Charles, Prelude to the Six Days, The Washington Post, 2007-05-18., p. A23.

full-fledged independent states side by side, Israel declared an independent Jewish state located on the territory as partitioned by the UNSCOP on the 14<sup>th</sup> of May, 1948. This recommendation, though adopted by the United Nations Security Council, was rejected by the Arab League and the Palestinians. While the Palestinians insisted that the declared Jewish independent state is located on their homeland, the Jewish state maintained that they were acting on the United Nations Security Council resolution. The Arab League advocated for a one-state solution comprising of both the Jewish and Arab territories and to be administered by an Arab majority.<sup>217</sup>

In this situation, tension ensued, leading to military build-up and blockade in the Sinai Peninsula and the Straits of Tiran by the Arab states. Feeling threatened, Israel struck preemptively, captured and occupied the Sinai Peninsula, the Gaza Strip, the West Bank and the Golan Heights.<sup>218</sup>

Professor Christine D. Gray,<sup>219</sup> an authority in Armed Conflict, has this opinion: that Israel may have acted in anticipation of a possible attack from Egypt, Jordan and Syria, or struck preemptively in self-defense against an actual armed attack

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<sup>217</sup> Suez Crisis, 2009, March 12, in Wikipedia, The Free Encyclopedia, retrieved 10 AM, March 12, 2009, from [http://en.wikipedia.org/wiki/Suez\\_Crisis](http://en.wikipedia.org/wiki/Suez_Crisis); The Six Day War, 2009, March 12, in Wikipedia, The Free Encyclopedia, retrieved 11 AM, March 12, 2009, from [http://en.wikipedia.org/wiki/Six-Day\\_War](http://en.wikipedia.org/wiki/Six-Day_War).

<sup>218</sup> McLain Patrick, Settling the Score With Saddam, Resolution 1441 and Parallel Justifications for the Use of Force Against Iraq, 13 Duke J. Comp. & Int'l l. 270, 2003.p. 270, in Kacerauskis Vytautas, International Journal of Baltic Law, Washington Times, ISSN 1648-9349, Issue: 1/2005, pp. 80-100.

<sup>219</sup> Christine D. Gray is a professor of International Law, lectures and supervises International Law, Law of Armed Conflict, Use of Force and Peacekeeping and a renowned author. Cf. University of Cambridge, Faculty of Law, People Academic Staff, Professor Christine D. Gray, <http://www.law.cam.ac.uk/people/academic/cd-gray/35>.

already mounted by the Arab states.<sup>220</sup> While Yoram Dinstein,<sup>221</sup> a specialist in International Law, saw the action of Israel as interceptive strike in self-defense based on already underway attack,<sup>222</sup> Thomas M. Franck,<sup>223</sup> an expert in Foreign Relations Law (FRL), saw the military build-up around Israel by the Arab states as an imminent threat needing an urgent response in self-defense.<sup>224</sup>

### **3.4.3 1981 Operation Opera**

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<sup>220</sup> Gray, Christine D., *International Law and the Use of Force* 4, 2000, p. 112-13, in McLain, Patrick, *Settling the Score With Saddam, Resolution 1441 and Parallel Justifications for the Use of Force Against Iraq*, 13 *Duke J. Comp. & Int'l l.* 270, 2003, p. 270.

<sup>221</sup> Yoram Dinstein is an international law Professor Emeritus at Tel Aviv University and is a specialist on international law, and an authority on the laws of war. Dinstein served as Chairman of the Israel national branch of Amnesty International and as a member of the Executive Council of the American Society of International Law. He has written on international law, human rights, and the laws of armed conflict. Cf. Universiteit Maastricht, Research Education Faculties, Prof. Yoram Dinstein, Guest lecturer, <http://www.maastrichtuniversity.nl/web/Main/Sitewide/Content/GuestLectureByProf.YoramDinstein.htm>.

<sup>222</sup> Dinstein, Yoram, *War, Aggression and Self-defense*, 3rd ed., Cambridge University Press, Cambridge, UK, 2001, p. 173, in McLain, Patrick, *Settling the Score With Saddam, Resolution 1441 and Parallel Justifications for the Use of Force Against Iraq*, 13 *Duke J. Comp. & Int'l l.* 270, 2003, p. 270.

<sup>223</sup> Thomas M. Franck taught foreign relations law, international law, and the law of international organizations at New York University. He was the President of the American Society of International Law from 1998 to 2000, Editor-in-Chief of the *American Journal of International Law* from 1984 to 1993, and a well-respected scholar of international law. He authored more than 30 books and countless articles.

<sup>224</sup> Frank, Thomas M., *Recourse to Force, State Action Against Threats and Armed Attack*, Cambridge University Press, Cambridge, UK, 2002, p. 104-05 in McLain Patrick, *Settling the Score With Saddam, Resolution 1441 and Parallel Justifications for the Use of Force Against Iraq*, 13 *Duke J. Comp. & Int'l l.* 270, 2003, p. 270, in Kacerauskis, Vytautas, 2010, October 17, in *International Journal of Baltic Law*, Washington Times, ISSN 1648-9349, Issue: 1/2005, received 12:12 PM, October 18, 2010, from pp. 80-100.

Operation Opera is the code name given to the Israeli preemptive air strike on Osirak, the Iraqi nuclear reactor plant, in June 1981. Contrary to the information contained in the UN 1981 Yearbook, supplied by the IAEA, that no non-compliance with the safeguards agreement were found on the Iraqi nuclear reactor plant,<sup>225</sup> the US and Israel boldly remained skeptical and doubted the sincerity of the Iraqi quest for nuclear reactor and claim that it was only for scientific research. The US private intelligence claimed that the Osirak reactor was on the verge of producing weapons-grade plutonium. They viewed a possible nuclear Iraq as a direct threat to Israel and her citizens. When the request that the Iraqi nuclear program be completely stopped could not receive a consensus agreement, Israel launched a preemptive air strike against the Iraqi Osirak Reactor Plant.<sup>226</sup>

Israel's claim to have preemptively struck Osirak Reactor Plant in self-defense was rejected by the UN Security Council. The Council condemned the attack as a clear violation of the Charter intentions.<sup>227</sup> Adopting a resolution, the General Assembly concluded that Israel's air strike was a premeditated and an unprecedented act of aggression. The resolution required Israel to "[...] pay prompt and adequate compensation for the damage and loss of life as a result of its aggression".<sup>228</sup>

Critics wondered the morality of Israeli strike against Iraq since Israel already is believed to have built a functioning nuclear reactor in secret, without due process and outside the supervision of IAEA. Many saw their stance and claim

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<sup>225</sup> Yearbook of the United Nations, United Nations Department of Public Information, New York, NY, 1981.

<sup>226</sup> Operation Opera, 2009, March 18, in Wikipedia, The Free Encyclopedia, retrieved 12:15 PM, March 19, 2009.

<sup>227</sup> United Nations Security Council, Resolution S-RES-487, June 19, 1981.

<sup>228</sup> Yearbook of the United Nations, 1981.

as hypocritical, leading the UN to request that Israel “[...] place its own nuclear facilities under IAEA safeguards”.<sup>229</sup>

While Abraham David Sofaer,<sup>230</sup> a former US Federal Judge, insists that Israel’s action was informed by the conclusion “[...] that a nuclear attack on its population by Iraq was eventually highly likely if Iraq were allowed to put the reactor into service and develop nuclear weapons,”<sup>231</sup> Anthony D’Amato,<sup>232</sup> a teacher of Analytic Jurisprudence, believes that the Israeli action followed the rule of anticipatory self-defense.<sup>233</sup> These differing interpretations by countries and interest-groups on whom the victim of an armed attack is or should be, has led to a kind of politicization of the concept of an armed attack, and who the victim of an armed attack is exactly.

### **3.5 Politicizing the Authorization of the Use of Force**

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<sup>229</sup> United Nations Security Council, Resolution S-RES-487, June 19, 1981.

<sup>230</sup> Abraham David Sofaer is a former federal judge for the U. S. District Court for the Southern District of New York, and legal adviser to the U. S. State Department. He is currently a senior fellow at the Hoover Institute at Stanford University. Cf. Hoover Institution, Stanford University, Abraham D. Sofaer, <http://www.hoover.org/fellows/10685>.

<sup>231</sup> Sofaer, Abraham D., On the Necessity of Pre-emption, *International and Comparative Law Journal*, 2003, p. 222, retrieved March 18, 2009, from <http://207.57.19.226/journal/Vol14/No2/art1.pdf>.

<sup>232</sup> Anthony D’Amato teaches international law, international human rights, analytic jurisprudence, and justice at the Northwestern University School of Law. He was the first American lawyer to argue (and win) a case before the European Court of Human Rights in Strasbourg; and the author of over 20 books and over 110 articles. Cf. Northwestern Law, Research & Faculty, Anthony D’Amato, <http://www.law.northwestern.edu/faculty/profiles/anthonydamato/>.

<sup>233</sup> D’Amato, Anthony, Israel’s Air Strike against the Osiraq Reactor: A Retrospective, *International and Comparative Law Journal*, December 10, 1996, p. 261.

The primordial aim why Nations endorsed the Charter of the United Nations was to ensure a world that is peaceful and secure. Entirely, the Articles of the Charter are stringent rules meant, not only to spell out the world's order of events, but also to protect prospective victims of abuse and attack from the hands of tyrants and dictators, who may not be deterred by the stringency of the rules provided by the Charter. These rules are set principles and objectives put together by experts for the governance of the world, for dissuading eventual trouble makers, and for prosecuting offenders. The Security Council not only determine the "existence of any threat to the peace", but also, through a resolution, fashion out the means of resolving such conflicts when they arise. The first Gulf War of 1991 serves as a concrete example here. In this case, the Security Council adopted a resolution (Resolution 678) before authorizing the use of force to beat back Iraqi forces from Kuwaiti soil.

Nevertheless, the UN has been often fairly criticized for inaction; for authorizing the use of armed force too late; for allowing selfish interests of some member-nations to supersede the common good; and for over politicization of the process of the authorization of the use of force to restore peace and order when and where need be. More often than not, the exigency that might be required in humanitarian intervention might be grossly compromised leading to massive loss of valuable lives and property. The Rwandan civil war and genocide<sup>234</sup> of the Tutsis by the Hutus, the Darfur conflict and the likes, attest to this argument.

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<sup>234</sup> The Rwandan Genocide was a genocidal mass slaughter of Tutsi and moderate Hutu in Rwanda by members of the Hutu majority. During the approximate 100 day period from April 7, 1994 to mid-July, an estimated 500,000-1,000,000 Rwandans were killed,[1] constituting as much as 20% of the country's total population and 70% of the Tutsi then living in Rwanda. The genocide was planned by members of the core political elite known as the akazu, many of whom occupied positions at top levels of the national government. Perpetrators came from the ranks of the Rwandan army, the National Police (gendarmerie), government-backed militias including the Interahamwe and Impuzamugambi, and the Hutu civilian population. Cf.

The Darfur conflict,<sup>235</sup> called the “first genocide of modern times” has been highly politicized, that the conflict today, has become an indelible scare on the soul of the United Nations and world leaders. It has again raised the question on the seriousness of world leaders in pushing for the realization of the Charter objectives – world peace and security. Politics and rhetoric apart, much should and could have been done to alleviate the excruciating pains bestowed on the inhabitants as a result of man’s inhumanity to fellow man.

As at 2004, the Darfur conflict, where a government is slaughtering her people, a people whose safety and wellbeing it was primarily elected to ensure, was virtually very beneath the media radar, but it is astonishing that it has been ongoing for such a length of time. And as a result of the violence, many lives have been lost and lots of people have been displaced and barely surviving in camps and tents. However, the UN did so little at the beginning, making the conflict to worsen.

It would not be an over statement to deduce that the world powers let the Darfur people down. The UN back-room politics is massively blamed for this humanitarian disaster. While the US has her hands full from Somalia, Afghanistan and Iraq, the Republics of China and Russia soft-pedaled because of their valued trade relationships with the sitting Sudanese Government. In as much as it will be absolutely wrong to claim that the UN and world leaders willingly allowed the goings on in Darfur to keep deteriorating, Gérard Prunier,

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Rwandan Genocide, 2009, May 5, in Wikipedia, The Free Encyclopedia, retrieved 11:12 AM, May 6, 2009, from [http://en.wikipedia.org/wiki/Rwandan\\_Genocide](http://en.wikipedia.org/wiki/Rwandan_Genocide).

<sup>235</sup> The Darfur conflict is an ongoing military conflict in the Darfur region of Sudan, the third largest country in Africa. It is a conflict along ethnic and tribal lines that began in 2003. Many people, including the United States Government, consider it to be a genocide.[1] [2] The United Nations currently does not see this as genocide. Cf. The Darfur Conflict, 2009, May 7, in Wikipedia, The Free Encyclopedia, retrieved 6:10 PM, May 8, 2009, from [http://simple.wikipedia.org/wiki/Darfur\\_conflict](http://simple.wikipedia.org/wiki/Darfur_conflict).

a scholar specializing in African conflicts, argued that the world's most powerful countries have largely limited themselves in expressing concerns and demand the UN to take action in solving the genocide in Darfur.<sup>236</sup>

The UN could be more functional, if and only if nations reduce the rhetoric and politicization of the proceedings of the union, and get adequately committed to the realization of world peace and security. Humanitarian intervention should be for saving lives of victims of an imminent armed attack.

### 3.6 Conclusion

The United Nations formation reaffirmed “faith in fundamental human rights, in the dignity and worth of the human person, in the equal rights of men and women and of nations large and small.”<sup>237</sup> Nations established “[...] conditions under which justice and respect for the obligations arising from treaties and other sources of international law can be maintained.”<sup>238</sup> The aim is the promotion of “social progress and better standards of life in larger freedom.”<sup>239</sup>

The intent of the Charter is the encouragement of “the practice of tolerance and living together in peace with one another as good neighbors.”<sup>240</sup> Nations are called to unify in the maintenance of “international peace and security.” They

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<sup>236</sup> Gérard Prunier writes: The UN, lacking both the funding and military support of the wealthy countries, has left the African Union to deploy a token force (AMIS) without a mandate to protect civilians. In the lack of foreign political will to address the political and economic structures that underlie the conflict, the international community has defined the Darfur conflict in humanitarian assistance terms and debated the label of “genocide.” Cf. The Darfur Conflict, 2009, May 7, in Wikipedia, The Free Encyclopedia, retrieved 6:10 PM, May 8, 2009, from [http://simple.wikipedia.org/wiki/Darfur\\_conflict](http://simple.wikipedia.org/wiki/Darfur_conflict).

<sup>237</sup> Charter of the United Nations, Preamble, p. 2.

<sup>238</sup> Ibid, Preamble, p. 2.

<sup>239</sup> Ibid, Preamble, p. 2.

<sup>240</sup> Ibid, Preamble, p. 2.

are to accept the “principles and the institution of methods, that armed force shall not be used, save in the common interest.”<sup>241</sup> And through combined efforts, nations are to “accomplish these aims” as enshrined in the Charter which eventually established the United Nations as an international organization.<sup>242</sup>

The united front in the maintenance of international peace and security notwithstanding, Article 51 of the Charter acknowledged the inherent right of individual or collective self-defense if an armed attack occurs until the Security Council has taken measures necessary to maintain international peace and security.

In the course of history, various nations have reacted militarily to certain threats to their peace and security. However, not every threat counts as an armed attack requiring action in self-defense. Some conflicts are better resolved through diplomacy or sanctions. Where diplomacy and sanctions fail, the use of military force must conform to the terms and purposes of the United Nations Charter and other applicable international agreements.<sup>243</sup> Imminence should be the reasonable criteria of a permissible preemptive-strike in self-defense. In this case, the victim of an armed attack would qualify to pick up arms in self-defense to avoid the cost of inaction. This would help to avoid terrible mistakes that would lead to untold human and material losses.

Nonetheless, the UN Charter has its shortcomings, but at the same time remains relevant in the world of today. The Charter only has to be interpreted in the light of the present day circumstances, the era of terrorism for one, so that that inalienable right, which the victim of an armed attack possesses by virtue of being the victim of an armed attack, is unequivocally upheld. The real spirit and intention of the Charter has to be reemphasized, the empowerment of the

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<sup>241</sup> Ibid, Preamble, p. 2.

<sup>242</sup> Ibid, Preamble, p. 2

<sup>243</sup> Sofaer, Abraham D., On the Legality of Preemption, Hoover Digest, No. 2, Spring 2003.

Security Council has to be strengthened, and the politicization of the authorization of the use of force has to be in check.

And above all, wars and other forms of military attacks should always be the last option when aggressive diplomacy and result-oriented sanctions may have failed to achieve the desired objectives. In the upcoming chapter dealing on the ethics of war and peace, we will look at war historically, see the motivating factors, differentiate a war of choice from a war of necessity based on their motivating factors and reecho the evergreen principles of just war theory.

## **Chapter Four**

### **4 Ethics of War and Peace**

#### **4.1 Introduction**

The United Nations Security Council shoulders an immense responsibility in the world order. The Council is the UN's engine-room of diplomacy. It reconciles nations, settles disputes, and determines the existence of any threat to the peace, breach of the peace and acts of aggression. It also makes recommendations, or decides what measures shall be taken to maintain or restore international peace and security. Such measures include aggressive diplomacy, result-oriented sanctions and the authorization of war, where need be. Nonetheless, realizing that in the midst of an ongoing armed attack, waiting until the Security Council has decided on what measures to be adopted, could be disastrous, thereby compromising the individual or collective right of self-defense in the case of armed attack, it becomes the inherent right of the victim of such armed attack to do something in self-defense.

The right to self-defense, therefore, is preeminently a priority and should always be considered as such. Exercising one's right of self-defense, though a right protected under the Charter of the United Nations, could be abused. This genuine concern centers on how military measures in self-defense should be carried out ethically, with the utmost respect for the human dignity, property and the environment.

History attests to the painful and regrettable impacts and consequences of war, irrespective of the volume and alarming provocative acts of aggression. At the end of each war, the major actors often sit back and wonder if it was worth it going to war in the first place. However, understanding war as a last option that remains when aggressive diplomacy and result-oriented sanctions have failed to

resolve an existent conflict, helps to clarify what a just war is all about, and how best to engage in an act of war ethically.

War signifies conflict, fight or struggle. It is an effort to eradicate something considered harmful. To make war is to engage in an armed conflict, and to be at war means to be in a struggle, or argument of conflict. In this part of the work, we are focusing on the kind of war that involves armed fighting between groups or nations. The “Just War” theory would be of immense help in our quest to separate a war of necessity from a war of choice.

## **4.2 Opting for War: The Motivations**

In his book “The Morality of War”, Brian Orend,<sup>244</sup> explained with details what war is and how it should be understood. Orend defined war as “an actual, intentional and widespread armed conflict” and as “[...] a phenomenon which occurs only between political communities, defined as those entities which either are states or intend to become states.”<sup>245</sup> War could also exist between a political community and a non-political one like an ideological organization in the manner of Al-Qaida, the Taliban or the Hezbollah with political ambitions. Such wars, according to Orend, could count as classical international war. And such groups, he writes, “are associations of people with a political purpose” who “[...] aspire to statehood or to influence the development of statehood in certain

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<sup>244</sup> Brian Orend, a professor of philosophy, is the Director of International Studies, and a Professor of Philosophy, at the University of Waterloo in Canada and an author of four books and dozens of articles. He is an active public speaker who addresses conferences, media and audiences around the world on his two major areas of research: war and peace; and human rights. His book “The Morality of War” would be cited extensively in this chapter. Cf. Brian Orend, 2013, December 29, in University of Waterloo, Philosophy, People Profiles, retrieved 12:42 PM, December 30, 2013, from <https://uwaterloo.ca/philosophy/people-profiles/brian-orend>; and Brian Orend, 2013, December 29, in Home Page, Brian Orend, Professor, Author, Speaker, retrieved 1:12 PM, December 30, 2013, from <http://www.brianorend.com/>.

<sup>245</sup> Orend, Brian, *The Morality of War*, Broadview Press, Canada, 2006, p. 2.

lands.”<sup>246</sup> Their aspirations could also be to wage wars of ideology with religion and culture at the war front. They could also be motivated by the clash of civilization.

Reflecting on the motivating factor of wars, Orend states that “[...] war is often motivated by a sharp disagreement over governance”, a disagreement which adopts violence in the resolution of policy matters, leading to “actual, widespread and deliberate armed conflict” for the sake of determining who “gets to say what goes on in a given territory”. That is why it is “profoundly anthropological”.<sup>247</sup> Carl Philipp Gottlieb von Clausewitz,<sup>248</sup> a military historian and theorist, famously known as the only war philosopher for his military treatise “Vom Kriege” (On War), defined war “[...] as nothing but a duel on an extensive Scale.”<sup>249</sup> With the power of illustration, Clausewitz further explained: “If we would conceive as a unit the countless number of duels which make up a War, we shall do so best by supposing to ourselves two wrestlers. Each strives by physical force to compel the other to submit to his will: each endeavors to throw his adversary, and thus render him incapable of further resistance.”<sup>250</sup>

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<sup>246</sup> Ibid, p. 2.

<sup>247</sup> Ibid, p. 3.

<sup>248</sup> Carl Philipp Gottlieb von Clausewitz, July 1, 1780 – November 16, 1831, a Prussian soldier, military historian, military theorist and an author of contemporary military strategy, was born in Burg bei Magdeburg, Kingdom of Prussia. He is most famous for his military treatise *Vom Kriege*, translated into English as *On War*. *Vom Kriege* (On War), a treatise on contemporary military strategy,) is a long and intricate investigation of Clausewitz’s observations based on his own experience in the Wars of the French Revolution and the Napoleonic Wars and on considerable historical research into those wars and others. Cf. Carl von Clausewitz, 2009, July 17, in Wikipedia, Biography, retrieved 9:00 Am, July 18, 2009, from [http://en.wikipedia.org/wiki/Carl\\_von\\_Clausewitz](http://en.wikipedia.org/wiki/Carl_von_Clausewitz).

<sup>249</sup> Carl, von Clausewitz, *On War*, EBook #1946, Produced by Charles Keller and David Widger, February 25, 2006, p. 14.

<sup>250</sup> Ibid, p. 14.

Compelling the other to do one's will assures that one gets to say what goes on in a given territory. It is a devastating expression of power and might as expressed in the "philosophical inquiry into the nature and meaning of war" by Professor Michael Gelven.<sup>251</sup> In this inquiry, Professor Gelven articulated that war is "[...] a conflict that is not only violent, but has a vast and communal devastating effect."<sup>252</sup> It is this devastating nature of war, which is often never well thought through before the rush to war, which leads many to abhor war of every standard.

Pacifists would definitely say it does not worth it starting war at all, while those who root for war would always find reasons to justify it. Nonetheless, war should be a viable option when it is the only solution to peaceful resolution of conflicts. War, aside being a "way for determining who gets to say what goes on in a given territory", "whose ideals prevail" or "where the border rests",<sup>253</sup> have been in the past waged in "obedience to God".

#### **4.2.1 Old Testament God of War**

The role and image of God as "all things to all men" is fascinating as well as controversial. Many wonder how God who created the entire universe could join ranks with, or favor a particular tribe in war against His other creatures. The Old Testament recounts God's involvement in the day to day activities of His "chosen ones", the people of Israel. He spoke to them through the prophets,

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<sup>251</sup> Michael Gelven is a distinguished research professor of Philosophy at Northern Illinois University. He is an author and well known writer of commentary on Heidegger's 'Being and Time'. Gelven has a wide range of specialties including: metaphysics, Heidegger, Kant, Nietzsche, philosophy in literature, and philosophy of war. Cf. Wikipedia, Michael Gelven, [http://en.wikipedia.org/wiki/Michael\\_Gelven](http://en.wikipedia.org/wiki/Michael_Gelven).

<sup>252</sup> Gelven, Michael, War and Existence: A Philosophical Inquiry, Pennsylvania State University Press, University Park, PA 1994, p. xi.

<sup>253</sup> Orend, Brian, The Morality of War, p. 3.

participated and commanded in their wars where “thousands and tens of thousands” were killed.

The “Book of Deuteronomy”, the fifth and last book of the Pentateuch known as the Second Law, recounted what God did when Og, the king of Bashan and his soldiers advanced against Israel, how God instructed Joshua, the leader of Israel as at that time, saying: “Do not be afraid of the nations there, for the Lord your God will fight for you.”<sup>254</sup> The First Book of Samuel tells of how God instructed King Saul through the prophet Samuel, to initiate a war against the people of Amalek: “Now go and completely destroy the entire Amalekite nation – men, women, children, babies, cattle, sheep, camels, and donkeys.”<sup>255</sup> And because Saul spared Agag, the King of Amalek, and the best of the fat sheep and oxen, and the lambs, God rejected him: “I am sorry that I ever made Saul king, for he has not been loyal to me and has again refused to obey me.”<sup>256</sup> “Obedience” Prophet Samuel said to King Saul, “is far better than sacrifice. Listening to him [God] is much better than offering the fat of rams.”<sup>257</sup>

Against the Philistines who ganged up against King David, God instructed: “Do not attack them straight on. [...] Instead, circle around behind them and attack them near the balsam trees. When you hear a sound like marching feet in the tops of the balsam trees, attack! That will be the signal that God is moving ahead of you to strike down the Philistines.”<sup>258</sup>

In the war against the Moabites, the Ammonites, and some Meunites, Jahaziel, admonished King Jehoshaphat, together with the peoples of Judah and

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<sup>254</sup> Life Application Study Bible, Deutéronome 3:22, New Living Translation, Tyndale House Publishers, Inc., Wheaton, Illinois, 1996, p. 264.

<sup>255</sup> Ibid, I Samuel, 15:3, p. 431.

<sup>256</sup> Ibid, I Samuel, 15:11a, p. 431.

<sup>257</sup> Ibid, I Samuel, 15:22, p. 432.

<sup>258</sup> Ibid, I Chronicles, 14.14b-15, p. 639.

Jerusalem on the tactics God wants them to deploy, saying: “Do not be afraid! Don’t be discouraged by this mighty army, for the battle is not yours, but God’s. [...] you will not even need to fight. Take your positions; then stand still and watch the LORD’s victory.”<sup>259</sup>

This level of God’s involvement in wars, like strategizing the war process that would bring positive outcomes for one of his own, against another of his own, is worthy of note. The “Book of Genesis” says that God created the world and everything in it,<sup>260</sup> and the “Book of Exodus” in the fifth commandment of God, prohibits killing: “Thou shalt not kill”.<sup>261</sup>

While many see this “war image of God” as man’s limited attempt and poor choice of words in representing God, in communicating His presence and activities, others see it as the time when men enjoyed the friendship of God, so much so, that God involved himself in their daily lives, even fighting their battles against some who soiled their friendship with God. Nonetheless, that part of the Decalogue, the fifth commandment of God, to be found in the “Book of Exodus” still prohibits killing: “Do not murder.”<sup>262</sup> Despite being often presented as the God of war, the Old Testament God was also behind some diplomatic resolution of conflicts in the history of Israel and her neighbors.

#### **4.2.2 God of Diplomacy**

The Old Testament equally painted God as God of diplomacy. When the Israelite assembly<sup>263</sup> in Shiloh threatened war<sup>264</sup> against the other Israeli tribes,

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<sup>259</sup> Ibid, 2 Chronicles, 20.15-17, 691.

<sup>260</sup> Barker, Kenneth, KJV Study Bible, Genesis 1:1, Zondervan, Grand Rapids, Michigan, 1999, p. 6.

<sup>261</sup> Ibid, Exodus 20:13, p. 149.

<sup>262</sup> Life Application Study Bible, Exodus 20:13, p. 126.

<sup>263</sup> Ibid, Joshua 22:10-34, pp. 341-343.

the Eastern Tribe, for building an altar at Geliloth, west of the Jordan River, in the land of Canaan, it took diplomacy to get the matter resolved. Emissaries were sent to the Reubenites, the Gadites, and the half-tribe of Manasseh in the land of Gilead to persuade them to reconsider their decision, which was largely perceived in Israel as “rebel against the Lord” or secession from the Lord.

After some dialogue, the envoys that were sent from Israel to make known the disapproval of God and His people on the intent of the Eastern Tribe to erect an altar at Geliloth, west of the Jordan River, in the land of Canaan, were satisfied

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<sup>264</sup> When the tribes of Reuben and Gad and the half-tribe of Manasseh built an altar near the Jordan River, the rest of Israel feared that these tribes were starting their own religion and rebelling against God. But before beginning an all-out war, Phinehas led a delegation to learn the truth, following the principle taught in Deuteronomy 13:12-18. He was prepared to negotiate rather than fight if a battle was not necessary. When he learned that the altar was for a memorial rather than for a pagan sacrifice, war was averted and unity restored. Life Application Study Bible, Commentary on Joshua, 22:11-34, p. 341.

Deuteronomy 13:12-18 says: “Suppose you hear in one of the towns the LORD your God is giving you that some worthless rabble among you have led their fellow citizens astray by encouraging them to worship foreign gods. **In such cases, you must examine the facts carefully.** If you find it is true and can prove that such a detestable act has occurred among you, you must attack that town and completely destroy all its inhabitants, as well as all the livestock. Then you must pile all the plunder in the middle of the street and burn it. Put the entire town to the torch as burnt offering to the LORD your God. That town must remain a ruin forever; it may never be rebuilt. Keep none of the plunder that has been set apart for destruction. Then the LORD will turn from his fierce anger and be merciful to you. He will have compassion on you and make you a great nation, just as he solemnly promised your ancestors. Life Application Study Bible, Deuteronomy 13:12-18, p. 279.<sup>264</sup> Biblical scholars note that by declaring war against the Reubenites, the Gadites, and the half-tribe of Manasseh, the western Israelites considered the new conspicuously large altar built at the region of Jordan facing the land of Canaan as violating the customary unity of the sanctuary (Lev 17:1-9; Deut 12:4-14) and as a sign of secession which is dangerous to national unity of Israel. Scholars also are of the opinion that the motives for the war were political as well as religious.

with the reasons why the new altar was built, prompting them to say: “Today we know the LORD is among us because you have not sinned against the LORD as we thought. Instead, you have rescued Israel from being destroyed by the LORD.”<sup>265</sup> This move captures a real diplomatic account in the Old Testament.

Biblical scholars note that by declaring war against the Reubenites, the Gadites, and the half-tribe of Manasseh, the western Israelites considered the new conspicuously large altar built at the region of Jordan facing the land of Canaan as violating the customary unity of the sanctuary (Lev 17:1-9; Deut 12:4-14) and as a sign of secession which is dangerous to national unity of Israel. Scholars also are of the opinion that the motives for the war were political as well as religious. The Old Testament image of God as a God of war softened the more in the time of His Son, Jesus Christ.

#### **4.2.3 Prince of Peace**

In Matthew’s account of the Gospel, Jesus Christ, while making reference to an Old Testament law,<sup>266</sup> brought in a new teaching, saying: “You have heard that the law of Moses says, ‘If an eye is injured, injure the eye of the person who did it. If a tooth gets knocked out, knock out the tooth of the person who did it.’ But I say, don’t resist an evil person! [...]”<sup>267</sup> This is a new teaching that led to Jesus being branded as a pacifist, - the doctrine that no violence is justifiable.

Many would quickly point out that Jesus was not the “Prince of peace” touted by the Prophet Isaiah<sup>268</sup> since he turned violent at seeing people buying and selling

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<sup>265</sup> Life Application Study Bible, Joshua, 22:31, 342.

<sup>266</sup> Barker, Kenneth, KJV Study Bible, Leviticus 24:20, p. 236.

<sup>267</sup> Life Application Study Bible, Matthew, 5:38-41, pp. 1413-1414.

<sup>268</sup> “In that day of peace, battle gear will no longer be issued. Never again will uniforms be bloodstained by war. All such equipment will be burned.” Life Application Study Bible, Isaiah 9:5, p. 1059.

in the Temple.<sup>269</sup> This peaceful, but somewhat violent Jesus, others say, was a stark example of what the Book of Ecclesiastes explained as “A time for everything”.<sup>270</sup> With the apparent conflict between the OT and NT on the morality and ethics of war, it would be wise for us to see what the Church teaches about war.

### **4.3 On War: Catholic Teaching**

In the teaching of the Catholic Church documented in the “Catechism of the Catholic Church”, the human life is judged as “sacred”. This judgment is made because of God’s activity in human creation. This document of the Church lays emphasis on the need for respect for human life. Human life, the Church teaches, “[...] involves the creative action of God” from the beginning. It further emphasizes that this “creative action of God” never ended, but “[...] remains forever in a special relationship with the Creator, who is its sole end.”<sup>271</sup>

By this teaching, Catholics believe that “God alone is the Lord of life from its beginning until its end”, no matter the circumstance. And as such, “[...] no one can under any circumstance claim for himself the right directly to destroy an innocent human being.”<sup>272</sup> Paragraph 2261 of the Catechism expanded on the above citation. It holds that the “[...] deliberate murder of an innocent person is gravely contrary to the dignity of the human being, to the golden rule, and to the holiness of the Creator [...]: it obliges each and every one, always and everywhere.”<sup>273</sup>

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<sup>269</sup> Life Application Study Bible, Mark 11:15-16, p. 1511.

<sup>270</sup> Ibid, Ecclesiastes 3:1-8, p. 1028.

<sup>271</sup> Catechism of the Catholic Church, 2nd edn., USCCB Communications, Part Three, Section II, Chapter II, Article 5, Paragraph 2258, April 2000, p. 499.

<sup>272</sup> Ibid, Part Three, Section II, Chapter II, Article 5, Paragraph 2258, p. 449.

<sup>273</sup> Ibid, Part Three, Section II, Chapter II, Article 5. Paragraph 2261, pp. 449-500.

In the case of self-defense, the Catholic Teaching upholds such as an inalienable right as expressed in the spirit of Thomas Aquinas popular view on the principle of double effect, which says: “The act of self-defense can have a double effect: the preservation of one’s own life; and the killing of the aggressor. [...] The one is intended, the other is not.” Therefore, someone who “defends his life is not guilty of murder even if he is forced to deal his aggressor a lethal blow”.<sup>274</sup>

By extension, this teaching upholds this inalienable right of the individual in self-defense also for a nation. It teaches that “one who is responsible for the lives of others” has the legitimate right, referred to as “grave duty”, to defend the lives of those under one’s legitimate care and protection. This “grave duty” to defend the lives tends to give the common good a higher priority. Hence the endorsement of the right to “[...] use arms to repel aggressors against the civil community entrusted to their responsibility.”<sup>275</sup>

In his encyclical, “*Evangelium Vitae*”, Pope John Paul II not only reiterated this inalienable right of the individual and that of a nation in self-defense, but further called for caution where “[...] non-lethal means are sufficient to defend and protect people’s safety from the aggressor.”<sup>276</sup> In this situation, John Paul II instructed the one “responsible for the lives of others” to “[...] limit itself to such means [...] in keeping with the concrete conditions of the common good and more in conformity to the dignity of the human person.”<sup>277</sup>

The above teaching of the Church is not naïve of possible aggressions that could cost lives and property. It only favors a peaceful process in conflict resolutions

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<sup>274</sup> St. Thomas Aquinas, Thomas, *STh II-II*, 64, 7, corp. art., in. In *Catechism of the Catholic Church*, Part Three, Section II, Chapter II, Article 5. Paragraph 2264, p. 500.

<sup>275</sup> *Ibid*, Part Three, Section II, Chapter II, Article 5. Paragraphs 2263-2265, p. 500.

<sup>276</sup> John, Paul II, *Evangelium Vitae* 56. In *Catechism of the Catholic Church*, Part Three, Section II, Chapter II, Article 5. Paragraph 2267, p. 500.

<sup>277</sup> *Ibid*, p. 500.

and called on “All citizens and all governments [...] to work for the avoidance of war.”<sup>278</sup> This does not exclude the “grave duty” of those “responsible for the lives of others” to defend their subjects “As long as the danger of war persists and there is no international authority with the necessary competence and power,”<sup>279</sup> hence, “governments cannot be denied the right of lawful self-defense, once all peace efforts have failed.”<sup>280</sup>

The right of lawful self-defense, however, requires “rigorous conditions of moral legitimacy” and the “[...] damage inflicted by the aggressor [...] must be lasting, grave, and certain; all other means of putting an end to it must have been shown to be impractical or ineffective; there must be serious prospects of success; the use of arms must not produce evils and disorders graver than the evil to be eliminated [...].”<sup>281</sup> Violence or act of war, sometimes, could be the only means to the desired peace. Nevertheless, other means abound.

#### **4.4 Active-Nonviolence**

Active non-violence is “a system of moral concepts that disavows violence”<sup>282</sup> through civil disobedience, non-participation in and protest against perceived unjust laws or practices. It is the “[...] strategy for struggle which consists of the systematic denunciation of all the forms of violence exercised by the System.”<sup>283</sup> Such tactic for struggle “[...] applied in specific situations in which

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<sup>278</sup> Catechism of the Catholic Church, Part Three, Section II, Chapter II, Article 5. Paragraph 2308, p. 507.

<sup>279</sup> Ibid, Article 5, Paragraph 2308, p. 507.

<sup>280</sup> Ibid, Article 5, Paragraph 2308, p. 507.

<sup>281</sup> Ibid, Article 5, Paragraph 2309, pp. 507-508.

<sup>282</sup> Nonviolence, 2014, March 5, in Wikipedia, The Free Encyclopedia, retrieved 10:15 AM, August 3, 2010, from <http://en.wikipedia.org/wiki/Nonviolence>.

<sup>283</sup> Ibid.

discrimination of any type is occurring [...] consists of a personal commitment, a style of life and a methodology for social change.”<sup>284</sup>

This concept of active non-violence conceived from the biblical (and other religion’s writings) moral teachings that forbids killing, has been an essential part of humanity. Indian Mahatma Gandhi’s non-violence movement against the British in the first part of the twentieth century, Martin Luther King’s civil rights struggle for African-Americans in the United States and Kwame Nkrumah’s non-violent activities in Ghana<sup>285</sup> stand out as concrete examples. Active non-violence movements are often labeled as pacifiers by the realists.

#### **4.5 On War: Pacifism vs. Realism**

The concept of Pacifism resent all wars. It “[...] is neither a method of action nor a style of life, but rather, a sustained protest against war and the arms race [...],”<sup>286</sup> and a belief in the resolution of conflicts through peaceful means. Pacifists’ refusal to participate in war or to take up arms is informed by moral or religious beliefs. In this belief system, diplomacy is prized over war, while negation instead of war is seen as the most potent means in the resolution of international conflicts.<sup>287</sup> Because of the heinous consequences of war, pacifists believe that war, as a matter of ethics, is an unacceptable way of resolving disputes.

On the contrary, Realists believe that “[...] ethics has got nothing to do with the rough-and-tumble world of global politics, where only the strong and cunning

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<sup>284</sup> Ibid.

<sup>285</sup> Ibid.

<sup>286</sup> Ibid.

<sup>287</sup> Microsoft Encarta, 2006, 1993-2005 Microsoft Corporation.

survive.”<sup>288</sup> They believe strongly that in wartime, only power and national security should motivate nations, and not moral concepts, such as justice. Meaning that “A country should tend to its vital interests in security, influence over others, and economic growth – and not to moral ideals.”<sup>289</sup>

Realists maintain that in spite of its heinous consequences, humanity has heard rumors of wars, seen and fought wars. They thus see war as the “reality of the human condition” well documented in the OT, whereby God Himself, the author of life, ordered wars. While the OT documentations of God’s involvements in the acts of war are in print, it is also right to point out that killing is against the law of that same God which says: “Thou shall not kill!” Realists criticize Pacifism as amounting to “surrender to aggression”, with the argument that the consequences of inaction “could be much worse than the evil of a war”. And while stating that the doctrine of Pacifism is “utopian”, the Realists accuse Pacifists of unfairly reaping “[...] the benefits of freedom earned by those willing to sacrifice their lives in war.”<sup>290</sup> Conversely, Pacifists appeal to other biblical injunctions as found in the New Testament, the time of Jesus, which “condemns war and killing”.<sup>291</sup>

The Pacifists refuse to accept the Realist’s moral skepticism, believing that “moral concepts can indeed be applied fruitfully to international affairs”, but state firmly that “[...] pacifism does not mean being passive [but] active

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<sup>288</sup> Orend, Brian, 2010, July 9, in War, The Stanford Encyclopedia of Philosophy, Edward N. Zalta ed., Fall 2008 Edition, War, retrieved 11:00 AM, July 10, 2010, from <http://plato.stanford.edu/archives/fall2008/entries/war/>.

<sup>289</sup> Ibid.

<sup>290</sup> What Does the Bible Say About War?: The Biblical View of War and the Just War Theory, July 21, 2009, retrieved 10:00 AM, May 6, 2010, from [http://biblestudies.suite101.com/article.cfm/what\\_does\\_the\\_bible\\_say\\_about\\_war#ixzz0n8jM5ICB](http://biblestudies.suite101.com/article.cfm/what_does_the_bible_say_about_war#ixzz0n8jM5ICB).

<sup>291</sup> Ibid.

peacemaking through nonviolent means.”<sup>292</sup> Pacifists are quick to remind the proponents of war of how successful active non-violence has been in history.<sup>293</sup>

The non-violence concept cannot be the only way to alleviate the vicious cycles of war. And turning the other cheek would not make the aggressor lay down his arms, just like loving one’s enemy would never lead to world peace. Nonetheless, it is irrational initiating war at the least provocation. Striking a reasonable balance between Pacifism and Realism is the major aim of diplomacy. It never excludes the option of war, where and when need be. It only pushes for a process that is just.

#### **4.5.1 Just War Theory: A Compromise Between Pacifism and Realism**

The just war theory is a modest compromise between the pacifists “no war” and the realist “yes war” propositions treated earlier in this work.<sup>294</sup> It states instead, that war in self-defense, is “morally right”.<sup>295</sup>

For war in self-defense, to be considered as “morally right”, there has to be “just cause” in self-defense, there has to be “right intention” informed by “just cause”, it has to come through “proper authority and public declaration”, it has to be

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<sup>292</sup> Orend, Brian, 2010, July 9, in War, The Stanford Encyclopedia of Philosophy, Edward N. Zalta ed., fall 2008 Edition, War, retrieved 11:00 AM, July 10, 2010, from <http://plato.stanford.edu/archives/fall2008/entries/war/>.

<sup>293</sup> The Book of Discipline of The United Methodist Church, 164G, The United Methodist Publishing House, January 20, 2009, retrieved 2:00 PM, January 21, 2009, from <http://www.umc.org/abouttheumc/policy/political/g-military.htm>; What Does the Bible Say About War? 2009, January 20, in The Christian Bible Reference Site, The United Methodist Publishing House, Frequently Asked Questions, retrieved 4:31 PM, January 21, 2009, from [http://www.twopaths.com/faq\\_war.htm](http://www.twopaths.com/faq_war.htm).

<sup>294</sup> See more information on War: Pacifism vs. Realism in chapter 4, 4.4.

<sup>295</sup> Orend, Brian, War, The Stanford Encyclopedia of Philosophy, Edward N. Zalta ed., fall 2008 Edition, retrieved July 10, 2010.

engaged only as the “last resort” whereby all plausible, peaceful alternatives to resolving the conflict in question are exhausted, with the “probability of success”, and carried out with utmost “proportionality” of the common good outweighing the casualties.<sup>296</sup> These are essential. The essence is to prevent war of choice and to endorse war of necessity.

#### **4.6 War of Necessity and War of Choice**

To determine what constitutes war of necessity and war of choice, and to differentiate one from the other, certain factors must be considered. These include the purpose of the war, the scale of the war, the duration of the war, the means employed during the war, the nature of the conflict leading to the war, and the nature of the undertakings during the war. These factors establish whether a war could have been avoidable, making it a war of choice, or whether a war could never have been avoidable, making it a war of necessity.

Maimonides,<sup>297</sup> the grand codifier of Jewish law, and master of Jewish and medieval philosophic thought, expounded the concept of wars of necessity and

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<sup>296</sup> Ibid.

<sup>297</sup> Moses ben-Maimon, called Maimonides and also known as Rambam, was the preeminent medieval Jewish philosopher and one of the greatest Torah scholars and physicians of the Middle Ages. He was born in Córdoba, Spain on Passover Eve, 1135, and died in Egypt on 20th Tevet, December 12, 1204. He was as a rabbi, physician and philosopher in Morocco and Egypt. Although his writings on Jewish law and ethics met with respectful opposition during his life, he was posthumously acknowledged to be one of the foremost rabbinical arbiters and philosophers in Jewish history, his copious work a cornerstone of Jewish scholarship. His fourteen-volume Mishneh Torah still carries canonical authority as a codification of Talmudic law. In the Yeshiva world he is known as ‘Hanesher Hagadol’ (the great eagle) in recognition of his outstanding status as a bona fide exponent of the Oral Torah, particularly on account of the manner in which his Mishneh Torah is elucidated by Chaim Soloveitchik. Cf. Good Reads, Author Profile, Maimonides, About this author, <https://www.goodreads.com/author/show/194459.Maimonides>.

wars of choice. He defined two circumstances under which a war could be waged, namely, a war in self-defense, which he acknowledged as “obligatory”, and war initiated against others in order “to extend the borders”, or to boost “greatness and prestige”.<sup>298</sup> These two types of war represent, on the one hand a war of necessity, and on the other, a war of choice. There is nothing of necessity in going to war for the sake of extending the borders, boosting one’s greatness or prestige.

Richard N. Haass demonstratively reinvented Maimonides’ description of the war of choice and war of necessity in his narrative of the two Iraqi Wars<sup>299</sup> in his book, “War of Necessity, War of Choice, a Memoir of Two Iraq Wars”. Haass pinpointed that although the two wars look alike, each differed divergently from the other. He writes: “At first blush, the two wars appear similar. Both involved a president Bush and the United States in conflicts with Iraq and Saddam Hussein. There, however, the resemblance ends.”<sup>300</sup> Determining and differentiating the war of choice from the war of necessity could be “heavily subjective, inevitably reflecting an individual’s analysis and politics”, Haass wrote.<sup>301</sup> However, subjectivity does not cancel out objectivity, hence, the Just War Theory criteria<sup>302</sup> discussed above. Let us use the two American wars with Iraq as practical examples in our quest to separate a war of necessity from a war of choice.

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<sup>298</sup> Abraham, Halkin, *Crisis and Leadership: The Epistles of Maimonides*, translated, Discussion by David Hartman, The Jewish Publication Society of America, ISBN 0-8276-0430-0, 1993, p. 181.

<sup>299</sup> See more information on the two Iraqi Wars: General Introduction, 01: Statement of the Problem.

<sup>300</sup> Haass, Richard N., *War of Necessity, War of Choice, a Memoir of Two Iraq Wars*, Simon & Schuster, New York 10020, May 2009, p. 7.

<sup>301</sup> *Ibid*, p. 11.

<sup>302</sup> See more information on the essential criteria that determine and differentiate war of choice from war of necessity: 4.5.1, The Just War Theory.

#### **4.6.1 War of Necessity: Operation Desert Storm**

In the bid to force oil-rich Kuwait to drop its objection to higher oil price and intimidate it to lower its oil output, the President Saddam Hussein led Iraqi government assembled a huge armed forces around Kuwait. When the government of Kuwait refused to yield to the threats coming from Iraq, President Hussein invaded and occupied the nation of Kuwait on the 2<sup>nd</sup> of August, 1990. The Allied Forces led by the United States through the United Nations mandate, launched “Operation Desert Storm” and restored the sovereignty of Kuwait.<sup>303</sup>

The Kuwaitis could not defend themselves from the Iraqi onslaught. They were the victims of Iraqi armed attack who enjoyed the right of self-defense. Hence, the sole aim of “Operation Desert Storm” was to liberate the Kuwaitis from the armed attack of Iraq and to restore Kuwaiti sovereignty. Regime change in Iraq was not in any way a factor. It was a war in self-defense, and therefore, a war of necessity. Contrary to a war of choice, a war of necessity, according to Haass, “[...] involves the most important national interests, the absence of promising alternatives to the use of force, and the certain and considerable price to be paid if the status quo is to stand.”<sup>304</sup>

#### **4.6.2 War of Choice: Operation Iraqi Freedom**

Prior to the terror attack on the United States on September 11, 2001, the administration of President Saddam Hussein, has been under various United Nations sanctions. The reasons for the sanctions include their invasion and occupation of Kuwait, their hostility around their neighborhood, their use of chemical and biological weapons against their own, and their quest for nuclear

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<sup>303</sup> Haass, Richard N., War of Necessity, War of Choice, A Memoir of Two Iraq Wars, p. 132.

<sup>304</sup> Ibid, p. 10.

weapon. The UN also imposed a no-fly-zone rule in the Kurdish region of Iraq. However, the sanctions seemed never to have worked as expected.

The President George W. Bush administration never wanted to take the route of sanctions again.<sup>305</sup> It sought the UN Resolution to use military force to topple Saddam Hussein's administration. The Iraqi government, as claimed by the US intelligence report, was seeking uranium from Niger; worked with al Qaeda in the September 11 terror attack; had stockpiles of Weapons of Mass Destructions (WMDs) in defiance of UN; had chemical and biological weapons; had missiles with ranges in excess of the UN restrictions; and therefore, was constituting an imminent threat to the world.

The UN Security Council adopted Resolution 1441 that found Iraq in "material breach" of its obligations under a host of previous UN Resolutions. The Resolution provided the government of Iraq a "final opportunity" to comply and cooperate with UN demands and inspections or face "serious consequences".<sup>306</sup> Iraqi cooperation was deemed not enough. And on March 20, 2003, the US-led "coalition of the willing", invaded Iraq and toppled the administration of President Saddam Hussein. Nevertheless, the US intelligence report that found Iraq in "material breach" of its obligations, which eventually led to the adoption of the UN Resolution 1441, was later found to be faulty and unreliable.

John Mueller, a professor of political science, viewed the United States' invasion of Iraq as "[...] an overreaction and an unhealthy reflection of the U.S. sense that the United States is an indispensable country [...]". Nonetheless, some war-hawks still would go any extra mile to justify the invasion of Iraq. Brink Lindsey, a senior fellow at the Cato Institute, declared that "Iraq's potential nuclear capability combined with Saddam Hussein's malevolence

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<sup>305</sup> Ibid, p. 180.

<sup>306</sup> Ibid, p. 231.

provided sufficient justification for a US-led invasion.”<sup>307</sup> Well, invading the territorial integrity of another on the suspicion of the so-called “potential nuclear capability” sets the wrong tone. And using those as the necessary characteristics for invading an independent nation, would only head the world to the ruins! The “Operation Iraqi Freedom”, the codename for the 20<sup>th</sup> of March, 2003 US-led invasion of Iraq, stands out, not only as unnecessary, but also as a poor choice that overlooked facts on ground, but exulted pre-war rhetoric and false intelligent report. The assumed Iraqi threat was not imminent. At the end, the war was perceived as a preventive war, hence a war of choice, instead of a preemptive-strike in self-defense.

As the name implies, war of choice is a war initiated, not out of necessity, but out of choice. Such war is favored when other alternative conflict resolutions and the ethics of war are pushed aside.<sup>308</sup> Realizing that a war could have been avoided if aggressive diplomacy was given a due process to play out, the pains of war experienced by the victims of such crossfire becomes all the more excruciating.

#### **4.7 War: Painful Experience**

War is an armed conflict situation, whereby “over a period of time”, always produce an excruciating experience.<sup>309</sup> The 1994 Rwandan civil war in which hundreds of thousands of Tutsis and moderate Hutus were killed enshrined genocide of the first order into the world history. The guerrilla conflict or civil war on the Darfur region of Sudan between the official Sudanese military and

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<sup>307</sup> Rourke, John T., *Taking Sides, Clashing Views on Controversial Issues in World Politics*, 11<sup>th</sup> ed., McGraw-Hill/Dushkin, Guilford, Connecticut, 2004, p. 108.

<sup>308</sup> Haass, Richard N., *War of Necessity, War of Choice, A Memoir of Two Iraq Wars*, p. 10.

<sup>309</sup> Hornby, A. S., p. 1456. Hornby A. S., *Oxford Advanced Learner’s Dictionary of Current English*, Sally Wehmeier et tal., Sixth Edition, Oxford University Press, Oxford New York, 2003, p. 1456.

police and a Sudanese militia group recruited mostly from the Afro-Arab Abbala tribes of the northern Rizeigat region in Sudan known as the Janjaweed, has been adding to the reality and painful experience of war since 2003.

Nonetheless, the painful experience of war is more intense when one goes through it personally. On this strength, I wish to explore the experience of the Nigerian Civil War as a reference point in our demonstration of how excruciating war could be. It was an experience that hit home very hard.

#### **4.7.1 Nigerian Civil War: Biafran Experience**

The Nigerian civil war was a product of many factors, like ethnic tensions, census manipulation, electoral fraud, coup and counter coup, massacre of innocent people, and predominantly, how the divergent British protectorate were coupled up together as a country in 1914.<sup>310</sup>

##### **4.7.1.1 Manufacturing Nigeria**

Before the arrival of the British in the Western region of Africa, what is today known as Nigeria had no intention of merging into a Republic. There was no reason to believe that people of sparing economy, comprising of hundreds of differing ethnic and cultural groups, speaking over 215 languages, having various religious backgrounds and with the three times the geographical size of the Great Britain<sup>311</sup> could accept to come together as one. But like in many other regions of Africa and beyond, irrespective of their glaring differences, the Great Britain out of convenience, merged the many ethnic groups and tongues together

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<sup>310</sup> See Kirk-GREEN, A. H. M., *Crisis and Conflicts in Nigeria, A Documentary Source Book 1966-1969*, vol. 1, Ibadan, 1971, for detailed analysis.

<sup>311</sup> Falola, T., and Heaton, M. M., *A History of Nigeria*, Cambridge, 2008, p. 2.

and named it Nigeria.<sup>312</sup> Since then, Nigeria which gained her independence from the British on October 1, 1960, has always struggled to co-exist.

Among the Nigerian many ethnic and cultural groups, Ndigbo<sup>313</sup> in the Southeast, Hausa-Fulani in the North and Yoruba in the Southwest were the predominant ethnic groups, with differing political systems and radically divergent customs and values. This new entity, Nigeria, comprising of different political, economic and social ideologies, became highly competitive. The British idea of dividing Nigeria into three ethnic regions - Northern Region, Western Region and Eastern Region “to contain the [...] rising threat”<sup>314</sup> exacerbated the situation, leading to the formation of regional political parties. And as regional political parties emerged as representative of the tribes and sentiments therein, the already radically divergent customs and values inherent in the stunning and differential political preferences of the people polarized further.<sup>315</sup>

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<sup>312</sup> According to Vanguard Newspaper, Nigeria, published on Wednesday, December 11, 2013, “Movement for New Nigeria” stated its intention to challenge the legality of the 1914 Amalgamation ordinance which gave birth to the Nigerian state. The group stated: “When the 1914 Amalgamation Ordinance was proclaimed, there was no evidence to show that the people or and the inhabitants of the territory called Northern and Southern protectorates were ever consulted to discuss and consent to live together as one country and under one constitution. We have carried out extensive research works in all leading British libraries and beyond. We have not seen any document supporting such action.” The amalgamation ordinance is expected to expire on December 31, 2013. Cf. Vanguard Newspaper, Nigeria, Movement for New Nigeria, published on Wednesday, December 11, 2013.

<sup>313</sup> For full disclosure, I come from the Igbo tribe.

<sup>314</sup> Sklar, Richard L., *Nigerian Political Parties, Power in an Emerging African Nation*, Trenton, New Jersey, Africa World Press, 2004, Chinua Achebe, *There was a Country*, p. 47.

<sup>315</sup> Achebe, Chinua, *There Was a Country, A Personal History of Biafra*, The Penguin Press, New York, 2012, p. 47.

Professor Chinua Achebe, a Nigerian novelist, poet, and critic recognized what Great Britain did well in Nigeria. In his book “There Was a Country”, Achebe, best known for his other book: “Things Fall Apart”, which remains the most widely read book in modern African literature, wrote: “The British had the experience of governing and doing it competently. I am not justifying colonialism. But it is important to face the fact that British colonies, more or less, were expertly run.”<sup>316</sup> Nonetheless, vouching for the independence of the Nigeria from Great Britain was a call in national interest.

#### **4.7.1.2 October 1, 1960 Independence: Great Feelings**

Nigeria gained her independence from Great Britain on October 1, 1960. The Great Britain never wanted to grant Nigerians independence. They took many measures to clamp down on various calls for independence. Like Professor Achebe pointed out, the British never wanted to lose what they were gaining from being Nigerian colonial masters. “Initially”, Achebe wrote, “the British resisted any agitations for independence, often by handing out stiff jail terms for ‘sedition’ to the disturbers of peace.”<sup>317</sup>

The suppression of Nigerian independence was because the British “[...] knew the value of their colonies, and the natural resources they possessed – in Nigeria’s case oil, coal, gold, tin, columbite, cocoa, palm oil, groundnuts, and rubber, as well as the immense human resources and intellectual capacity. Surely Great Britain had no plans to hand all these riches over without a fight.”<sup>318</sup> Achebe concluded that, although the British never wanted to relinquish their colonies, they knew they “were engaged in a losing battle”, and eventually,

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<sup>316</sup> Ibid, p. 43.

<sup>317</sup> Ibid, p. 47.

<sup>318</sup> Ibid, p. 47.

they granted Nigeria her independence at the inception of the month of October 1960.<sup>319</sup>

Gaining her independence was all Nigerians could pray for. They anticipated it with great feelings of relief. These great feelings were captured magnificently well by Achebe in his usual writing-trademark: “The general feeling in the air as independence approached was extraordinary, like the building anticipation of the relief of torrential rains after a season of scorching hot Harmattan winds and the bush fires. We were all looking forward to feeling the joy that India - the great jewel of the British Empire - must have felt in 1948, the joy that Ghana must have felt years later, in 1957.”<sup>320</sup> With the independence of Nigeria from Great Britain, emerged in Nigerian polity the challenges of actual governing.

#### **4.7.1.3 Election and Coup d'état**

When the Nigerian independence from Great Britain finally came in 1960, the country seemed stable and moved on. Alhaji Sir Abubakar Tafawa Belewa, a Hausa-Fulani, was elected the first Prime Minister of the Federal Republic of Nigeria. Citing electoral fraud, a group of young military officers led by Major Patrick Chukwuma Nzeogwu, an ambitious young military officer and a Roman Catholic of Igbo origin, who was later promoted to the rank of Lieutenant Colonel in the Biafran Army, organized a coup d'état on January 15, 1966. The operation damisa (operation leopard), as the coup was code-named, “[...] was swift, brutal and merciless: leading political figures were shot, others arrested, and strategic strong points seized.”<sup>321</sup> Top politicians from northern and western

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<sup>319</sup> Ibid, p. 48.

<sup>320</sup> Ibid, p. 40.

<sup>321</sup> See Jorre, De St. J., *The Nigerian Civil War*, London, 1972, for detailed analysis.

Nigeria were killed as a result, a situation that made it appealing to conclude “[...] that this was indeed an Igbo coup.”<sup>322</sup>

Confusion plagued the entire nation, as information was not quick in coming in as regards the nature and extent of the coup. “Vacuum of information” was created. This “vacuum of information”, according to Chinua Achebe, “[...] was filled with gossip, innuendo, and fabricated accounts that magnified the confusion throughout the country [...] that the military coup which at first had been so well received, was in fact a sinister plot by the ambitious Igbos of the East to seize control of Nigeria.”<sup>323</sup>

Conversely, “One of the majors was Yoruba, and Nzeogwu himself was perceived as Igbo in name only. Not only was he born in Kaduna, the capital of the Muslim North, he was widely known as someone who saw himself as a Northerner, spoke fluent Hausa and little Igbo, and wore the Northern traditional dress when not in uniform.”<sup>324</sup> As a matter of fact, Nzeogwu was nicknamed “Kaduna” by his Hausa colleagues in the Nigerian Army because of how much he loved the town.

Nevertheless, the “vacuum of information” perpetuated the swirling gossip. And in Nigeria whereby “part of the way to respond to confusion [...] is to blame those from the other ethnic group or the other side of the country”, the victimization of Ndigbo imagined to have led the coup, became more evident. They (Ndigbo) were “[...] attacked both randomly and in an organized fashion.”<sup>325</sup>

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<sup>322</sup> Ibid, p. 65.

<sup>323</sup> Ibid, p. 66.

<sup>324</sup> Ibid, p. 79.

<sup>325</sup> Ibid. p. 66.

Ironically, a coup organized and headed by a man from Ndigbo extraction was scuttled by another man of Ndigbo extraction in the person of Major-General Aguyi-Ironsi, who eventually became the first military head of state late in the month of May, 1966. Military officers from Northern Nigeria were angry and sort for revenge against the so-called “Igbo coup”. And in July, 1966, Major-General Aguyi-Ironsi was assassinated, six months after the Nzeogwu-led coup, in a “particularly bloody coup by Northern officers led by Murtala Muhammed” of Hausa-Fulani extraction, which paved the way for Lieutenant Colonel Yakubu Gowon to become the second military head of state of Nigeria.<sup>326</sup>

This is how Nigeria fragmented. This fragmentation was as a result of ethnicity run-amok for long predicted by Carol Lancaster who once foretold that “Political divisions would increasingly fall along ethnic or regional lines, heightening tensions, and ultimately threatening national unity. The volcano of ethnic or clan strife remains dormant throughout much of Sub-Saharan Africa.”<sup>327</sup> This foretell of Carol Lancaster predicted exactly the future of many countries in the Sub-Saharan Africa. In the case of the Nigeria-project, this ethnicity run-amok is loud and clear even amongst political leaders, thereby creating a tensed and challenging situation of disunity. Such situation of disunity seems to be extensively celebrated, cherished and rewarded, to the knowledge of political leaders who joyfully exploit it.

In discussing the motion for a more united Nigerian outlook introduced in the 1948 Nigerian legislative council by Dr. Benjamin Nnamdi Azikiwe (November 16, 1904 – May 11, 1996), an acclaimed figure of modern Nigerian nationalism, Alhaji Sir Tafawa Balewa (December 1912 – 15 January 1966), a vocal leader

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<sup>326</sup> Ibid, pp. 81-82.

<sup>327</sup> Ukiwo, Ukoha, *Politics, Ethno-religious Conflicts and Democratic Consolidation in Nigeria*, University Press, Cambridge, 2003, p. 117, in Ake, C., *The Feasibility of Democracy in Africa*, Dakar: CODESRIA, 2000, p. 94.

for Northern interests and then northern leader, presented the Nigeria-project as a form of deception. He said: “Many deceive themselves by thinking that Nigeria is one ... This is wrong. I am sorry to say that this presence of unity is artificial and it ends outside this Chamber ... The southern tribes who are now pouring into the North in ever increasing numbers, and are more or less domiciled here do not mix with the Northern people ... and we in the North look upon them as invaders.”<sup>328</sup> Balewa would again chide the Nigeria-project when he took the floor to address his colleagues. He is quoted as saying that “the hard fact which we must honestly accept as of paramount importance in the Nigerian experiment, especially for the future, is that we are different peoples brought together by recent accidents of history.”<sup>329</sup> On his part, Chief Jeremiah Obafemi Awolowo (March 6, 1909 – May 9, 1987), a Nigerian nationalist and then leader of the western region, insisted: “Nigeria is not a nation. It is a mere geographical expression. There are no “Nigerians” in the same sense as there are “English”, “Welsh”, or “French”. The word “Nigerian” is merely a distinctive appellation to distinguish those who live within the boundaries of Nigeria from those who do not.”<sup>330</sup>

The claim by Awolowo that “Nigeria is not a nation” but “a mere geographical expression”, and that “Nigeria” as a word, is a common designation “to distinguish those who live within the boundaries of Nigeria from those who do not”, may not be far from the truth. There is no doubt that the Nigeria-project is the creation of the Great Britain. This creation of the British has witnessed a huge resistance from day one to the point that, even political leaders elected to chart a course for the unity of the country argue that Nigeria should not have

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<sup>328</sup> Quoted in Coleman, J. S., *Nigeria, Background to Nationalism*, Berkeley/Los Angeles, 1960, p. 361.

<sup>329</sup> Quoted in Kirk-Green, A. H. M., *Crisis and Conflicts in Nigeria, A Documentary Source Book 1966-1969*, vol. 1, Ibadan, 1971, p. 3.

<sup>330</sup> Awolowo, O., *Path to Nigeria Freedom*, 1947, p. 48.

been amalgamated in the first place. Hence, it would be right to point out that at the essence of this ethnocentric opposition to the Nigeria-project is a philosophical and radical resistance by the supposed independent countries compelled through the amalgamation to be in one oversized country called Nigeria. This philosophical and radical resistance to the Nigeria-project is not only fundamentally antithetical to its positive realization, but also exposed the informing reason for the amalgamation of Nigeria by the Great Britain: not for the good of the citizenry, but for their own convenience in managing Nigeria as their colony. Nonetheless, the coup and counter coup never helped matters in the Nigeria-project. It made matters worse and the country fragmented all the more, leading to the Biafran Secession on May 30, 1967.

#### **4.7.1.4 Biafran Secession**

The revenge-coup carried out by Northern military officers “in which they killed Igbo officers and men in large numbers”, orchestrated the already precarious and existent ethnic tensions in Nigeria. In the account presented by Chinua Achebe, we read that “[...] the Northerners turned on Igbo civilians living in the North and unleashed waves of brutal massacres [...].”<sup>331</sup> Achebe further documented that Ndigbo living in the North were rounded up and “summarily” executed.<sup>332</sup> Those who survived the massacre fled the Northern Nigeria down to the Eastern Region.

In the bid to resolve the growing conflicts and calm down the over-boiling tensions, the then head of state, Lieutenant Colonel Yakubu Gowon, and the then Governor of the Eastern Region, Colonel Chukwuemeka Odumegwu Ojukwu, agreed to meet in Aburi in Ghana, to discuss on how best to resolve the Nigerian conflicts. In what was later known as the “Aburi Accord”, a new brand

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<sup>331</sup> Ibid, pp. 81-82.

<sup>332</sup> Ibid, p. 67.

of federal government, a confederation of equality and fairness for all Nigerians, was resolved as the way forward for Nigeria.

The non-implementation of the “Aburi accord” infuriated Ojukwu, who eventually severed ties with the Gowon-led Federal Republic of Nigeria. As a result of this severance of ties by Colonel Ojukwu, a reconciliation committee was formed. However, this reconciliation committee, known as the Nigerian Reconciliation Commission (NRC) could not get Colonel Ojukwu to reconsider his decision to sever ties with the Gowon-led Federal Republic of Nigeria.

At this time, “A majority of Easterners [...] had grown contemptuous of Gowon’s federal government for its failure to bring the culprits of the mass murders in the North to justice, and they saw this as the latest in a series of insincere overtures.”<sup>333</sup> It was all but certain that things were “no longer at ease”, and consequentially, “On May 27, the Consultative Assembly mandated Colonel Ojukwu to declare, at the earliest practical date, Eastern Nigeria a free sovereignty and independent state by the name and title of the Republic of Biafra.”<sup>334</sup> And on 30 May 1967, Colonel Chukwuemeka Odumegwu Ojukwu, referencing the untold injustices meted Ndigbo in Nigeria, declared the Republic of Biafra, comprising the Eastern Region of Nigeria, as independent.<sup>335</sup> This declaration of the Biafran independence led to the Nigeria-Biafra Civil War.

It would be safe to say that: “First, it was a combination of lack of solid foundation for the country, the corruption of the founding leaders of an

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<sup>333</sup> Ibid, p. 88.

<sup>334</sup> Madiebo, Alexander A., *Nigerian Revolution and the Biafran War*, Fourth Dimension Publishers, Enugu, 1980, p. 93.

<sup>335</sup> The Library of Congress Country Studies; in Achebe Chinua, *There Was a Country, A Personal History of Biafra*, Penguin Press, New York, 2012, p. 92.

independent Nigeria, the coups of 1966 and the bloodbath and massacres of the easterners that led to the Nigeria-Biafra civil war of 1967-1970.”<sup>336</sup>

#### **4.7.1.5 1967-70 Nigerian-Biafran Civil War: Aftermath**

The Nigerian-Biafran civil war, which lasted from 1967 till the early part of 1970, was extremely devastating. After the initial gains and losses on both sides, the Nigerian-Biafran War ran into a stalemate in 1968. As a strategy, the Nigerian army, occupying greater percentage of the area, blocked every access through which the Biafran Region could get humanitarian aid, a situation that exploded into widespread hunger, starvation and humanitarian disaster. This strategy, however inhumane, worked for the Nigerian army in their total efforts to recapture the Eastern Region, already declared independent governed by Colonel Ojukwu.

Achebe wrote: “The famine worsened as the war raged, as the traditional Igbo society of farmers could not plant their crops.”<sup>337</sup> The coordination and firepower of the federal government army compounded matters as well for the Biafrans. They “[...] succeeded in cutting Biafra off from the sea, robbing its inhabitants of shipping ports to receive military and humanitarian supplies.”<sup>338</sup> Hence, the Biafran army and populace were greatly demoralized as they were literally starving. People were dying in their numbers, “most of them babies, children, and women”.<sup>339</sup> This situation meant that the war was about to be over.

The thirty-month war raced to a halt in January of 1970 when the Republic of Biafra “[...] was crushed emotionally, psychologically, financially, and

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<sup>336</sup> Onyenali, Rowland, *Appraising the Nigerian Problem through Education and Religious Dialogue, A Cognitive Approach*, Peter Lang GmbH, Frankfurt, 2013, p. 40.

<sup>337</sup> Achebe, Chinua, *There Was a Country*, pp. 209-210.

<sup>338</sup> *Ibid*, p. 210.

<sup>339</sup> *Ibid*, p. 210.

militarily, and it came crashing down soon after the New Year began [...].”<sup>340</sup>  
The apparent defeat from the Nigerian army eventually made Colonel Ojukwu to go into exile in Ivory Cost. In his exit-address, Colonel Ojukwu announced that he was “[...] leaving the People’s Republic of Biafra to explore alternative options for peace.”<sup>341</sup>

Officially, the Nigerian-Biafran civil ended on January 15, 1970 with the declaration: “No victor no vanquished”. Aside the “no victor no vanquished” declaration, it was an obvious fact that the war was won and lost. The Biafrans, who arguably lost the war, went through hell-fire in the dawn of a new Nigeria.

#### **4.7.1.6 A Mother’s War Experience**

People’s Republic of Biafra losing the war meant it lost its generations (old, young and infants) to hunger, starvation and the fire-power of the merciless Nigerian soldiers. Women were raped in numbers, even before their family members. Biafran able-bodied men were shot as a strategy for less opposition. Like my mother of blessed memory, Gertrude N’waku Nwandu,<sup>342</sup> the source of my narration here would always tell us at home, “ukwutukwu kwuru”, that means, things over-happened. In her words: “People died in numbers, leaving very few to burry too many, and in most cases, leaving many surroundings with the smell of the decaying-dead.”<sup>343</sup>

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<sup>340</sup> Ibid, p. 223.

<sup>341</sup> Ibid, p. 223.

<sup>342</sup> Gertrude N’waku Nwandu, my mother, told us daily stories of the war based on her personal experience. Although I was born at the end of the war, I could still feel the excruciating emotional impacts of the war on all who experienced it firsthand. The war stories almost dominated everyday activity, informed and ordered decisions and ways of life. Nwandu, Gertrude N’waku, Oral Tradition, 1940-1991.

<sup>343</sup> Nwandu, Gertrude N’waku, Oral Tradition, 1940-1991.

The “No victor no vanquished” declaration at the end of the war never changed the sufferings on the ground. On the national level, Ndigbo could not be re-instated, reintegrated or re-assimilated in their pre-war civil service posts, and in the Nigeria polity. My mother painfully told us that the purchasing power of the Biafran currency disappeared. In exchange of the Biafran money, the Central Bank of Nigeria (CBN) offered only £20 (pounds was the then Nigerian currency) in exchange for whatever quantity of money any Biafran had. This was a deliberate ploy and a calculated attempt to hold back Ndigbo middle class, as a payback for their “role” in the civil war.<sup>344</sup>

Explaining their reason for the war, Biafrans believed they were driven out of the Nigerian Republic (NR) with the killings and deportations of Ndigbo from other parts of Nigeria. On the other hand, the then Nigerian administration felt it a duty to keep Nigeria united at all costs, crushing every opposition and agitation. However, whatever side of the argument one stands, it was a painful experience being a Biafra in the then Nigeria.

My father, Lazarus Uzodinma Nwandu, who has also gone to see the Lord, would never stop adding to my mother’s war narratives. He would always insert at various intervals of the war narratives: “Our leaders failed us all.”<sup>345</sup> And failure of leadership, that is, “[...] the unwillingness or inability of its leaders to rise to the responsibility, to the challenge of personal examples which are the hallmarks of true leadership [...]”,<sup>346</sup> is, till today, the major problem with the Nigerian project.

## **4.8 Conclusion**

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<sup>344</sup> Ibid.

<sup>345</sup> Nwandu, Lazarus Uzodimma, Oral Tradition, 1933-2007.

<sup>346</sup> Achebe, Chinua, *Trouble with Nigeria*, Michigan State University Press, 2005, p. 1.

Naturally, some abhor war as a violent enterprise, arguing that war impacts controversial and devastating socio-economic effects on humanity. Others see war as a necessary means to a necessary end, arguing that in a situation whereby a regime hides behind the right of territorial integrity, refuses to allow genuine diplomatic process, but keeps maiming its citizens and neighbors, in these cases, the use of force to disarm such regime becomes a moral responsibility.

Initiating a war could, in a given circumstance, be the right option, and in another, a wrong option. We may argue extensively whether war is an outcome of unchangeable human nature, or rather, of changeable social practice. We may even argue if war is a necessary tool for social change or not. Nonetheless, the painful experience of war may also force one to see it from a personal point of view. One thing is however sure: war will always be part of human experience, and as such, it is here to stay, irrespective of the exploits and efficacy of diplomacy or the great propositions inherent in active non-violence principles.

The actual existent of threat necessitates war, removes it from being a choice. It is not a war of choice when aggression is resisted. Aggression here means the use of armed force in violation of the political sovereignty and territorial integrity of states or the basic rights of their individual citizens. Nonetheless, before war becomes an option, aggressive diplomacy genuinely aimed at conflict resolutions must be sincerely given a fair chance. In the upcoming chapter dealing on the wisdom and justifiability of preemptive-strike in self-defense, we will see different opinions of some scholars on this subject matter, separate preventive war out of aggression from preemptive-strike in self-defense by means of the criteria for its permissibility.

## **Chapter Five**

### **5 „Akọ na Uche“ (Wisdom and Justifiability) of Preemptive Strike in Self-defense**

#### **5.1 Introduction**

The seven-month long Iraqi invasion and occupation of Kuwait, which began on the 2nd of August 1990 under President Saddam Hussein, is a good example of a conventional armed attack that could trigger the right of self-defense. Conventionally, an armed attack occurs in a situation whereby war materials and soldiers are gathered in readiness for war against a defined enemy. In that Iraqi invasion and occupation of Kuwait, the victim of an armed attack was explicit. Iraq was the aggressor while Kuwait was the victim of their aggression. And as the victim of an armed attack, Kuwait had the right under the United Nations Charter provisions, to pick up arms against Iraq in self-defense. Whatever reasons the Iraqi regime had, the lines of war were clear and defined, leading to the then Persian Gulf War, First Gulf War, Gulf War I, or the First Iraq War, codenamed “Operation Desert Storm” that lasted from January 17, 1991 till February 28, 1991.

However, in the era of terrorism and other forms of non-conventional armed attack and acts of aggressions, differentiating between the actual aggressor and the real victim of an aggression is no longer that easy. Acts of terror from al-Qaida, for instance, a terror organization with international reach and appeal, seem to have changed the equation big time. That al-Qaida propelled terror attack on American soil on September 11th, 2001 ignited once again a huge debate worldwide on what qualifies as an armed attack (apart from the conventional concept of an armed attack) that could trigger the right of self-defense.

Terrorists, no doubt, could conceal weapons of mass destruction and deliver devastating attack and damage perfectly and unhindered. This possibility and the ruthlessness involved, make a mess of the conventional concept of an armed attack and acts of aggression that trigger a response in self-defense. After the al-Qaida terror on September 11, 2001, the UN endorsed the use of force in Afghanistan against the Taliban led government and their guest, Osama bin Laden, the confessed master-minder of the terror attack in the United States. This Afghan - US<sup>347</sup> war brought us the new concept of war known as the war on terror. Afghanistan was attacked for harboring the real aggressor and for being guilty by association. This war enjoyed the support of many, if not all.

The same cannot be said of the US invasion of Iraq on March 20, 2003, and the regime-change thereafter with claim that Iraq has WMD and that Saddam Hussein aided and harbored terrorists in their attack against the United State on September 11, 2001, a claim that eventually turned out to be false. As perceived by many, the US action in Iraq was more of a preventive war, initiated to show off a state's might, flex muscle, or purely out of apprehension. Consequential to this US March 20, 2003 invasion of Iraq, a huge worldwide debate erupted on what qualifies as an armed attack. Many asked: What exactly is an armed attack? Who qualifies as the victim of an armed attack? Who has the right of self-defense in an armed attack? Is preemptive-strike in self-defense justified, and to what extent? What are the UN provisions on armed attack? Who could authorize the use of force in conflict resolutions? What are the UN criteria for permitting the use of force in self- defense? Could there be some dilemma and irony in the exercise of the right of self-defense? Bearing in mind that the Charter of the United Nations only permits the use of force in self-defense when there are "threats to the peace, breach of the peace and acts of aggression", that is, when there is good evident of an actual military buildup in the conventional

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<sup>347</sup> US represents United States.

sense, answers to the above questions are of great importance in determining the rightness and wrongness of the use of force in self-defense.

Our intent in this chapter is to address the above questions by examining the “Akọ na Uche” (that is, the discernment, insight, judgment, tact, thoughtfulness, and to a great extent, the wisdom and justifiability) of preemptive-strike, a military option employed by a member of the United Nations in self-defense against threats or acts of aggression. Let us take a look at what this preemptive-strike in self-defense really is.

## **5.2 Preemptive-strike in Self-defense: A Strategic Military Option**

Preemptive-strike is an action in self-defense in order to avert the risk of inaction. It is a military action taken preemptively against an imminent threat. Preemptive-strike in self-defense as a strategic military option against one’s adversary is that action of a nation in self-defense, “[...] crucially influenced by anticipation of what another actor intends to do.”<sup>348</sup> The co-authors of “The Penguin Dictionary of International Relations”, Graham Evans and Jeffrey Newnham, put it this way: “Like all decision-making situations, preemption relies upon good intelligence about an enemy’s capabilities and a shrewd assessment of its intentions.”<sup>349</sup> Evans and Newnham however frantically warned that: “Conversely, misperception of either or both can be damaging.”<sup>350</sup>

As earlier pointed out in the General Introduction, the formation of the UN in 1945 after World War II was out of thoughtful deliberations aimed at avoiding future wrong judgment and misstep that might lead to blunder or doom.<sup>351</sup> This

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<sup>348</sup> Evans, Graham and Newnham, Jeffrey, Dictionary of International Relations, p. 448.

<sup>349</sup> Ibid p. 448.

<sup>350</sup> Ibid, p. 448.

<sup>351</sup> United Nations Organization, 2009, May 10, in Wikipedia, The Free Encyclopedia, retrieved 11:30 AM, May 11, 2009, from [http://en.wikipedia.org/wiki/United\\_Nations](http://en.wikipedia.org/wiki/United_Nations).

coming together of nations aims at making the world a better and safer place for humankind. It is safe to say that the Charter<sup>352</sup> provisions are articulate on what should be done in “actual armed attack”, namely, that the victim of an “actual armed attack” has the right of self-defense. Granted that the Charter provisions stipulated an “already occurred or occurring armed attack” as basis for action in self-defense, nonetheless, the Charter is not explicit on what constitutes an actual armed attack. It is also ambiguous on what constitutes the actual meaning of an “imminent armed attack”. This ambiguity has created a big yawning-gap, leading to differing interpretations and conflict of opinions on when and how to take up arms in self-defense. In this situation, the interpretation of this subject-matter, that is, what constitutes an actual or imminent armed attack, remains in the hands of scholars, who explain that, if the threat is imminent, that makes the target of the imminent attack a victim already, who has the right to respond preemptively in self-defense.

### **5.2.1 Preemptive-strike in Self-defense: Opinions**

Different scholars have not only varied opinions on the ethical implications of any particular armed conflict, but also, what the actual interpretation really is. Let us start with Hugo Grotius, a 17<sup>th</sup> century western philosopher, who once said as far back as 1625, that it is justified “to kill him who is preparing to kill.”<sup>353</sup> “Preparing to kill” here means that someone has readied him/herself to kill the other. Therefore, not striking him/her who has readied him/herself to kill would be disastrous at the end when the target of the action is already incapacitated. In this situation foreseen by Hugo Grotius, there is need for self-defense. However, Charles-Louis de Secondat, a French social commentator and political thinker who lived during the Era of the Enlightenment brought a twist

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<sup>352</sup> Charter represents The Charter of the United Nations.

<sup>353</sup> Covery, Oliver T et. al., *The International Legal System, Cases and Materials*, 4th edition, The Foundation Press, Westbury, New York, 1995, p. 1349.

to this self-defense. He is quoted as saying that “Self-defense sometimes dictates aggression” and that “If one people take advantage of peace to put itself in a position to destroy another, immediate attack on the first is the only means of preventing such destruction.”<sup>354</sup> This view that destroying another out of advantage warrants “immediate attack on the first” is collaborated by Montesquieu, a famous articulator of the theory of separation of powers.<sup>355</sup>

Hence, this “immediate attack on the first” is the supposed action of the victim faced with an unjust aggressor. And according to Emerich de Vattel, a Swiss philosopher, diplomat and legal expert, such “immediate attack on the first” foreseen by Charles-Louis de Secondat and to which Charles-Louis de Secondat attested to, is the safest plan of action. In his work, “The Law of Nations”, Emerich, who made significant contributions to the basis of modern international law and political philosophy, upheld that a nation has the right to resist powerfully the aggression of the unjust aggressor.<sup>356</sup> Resisting the unjust aggressor powerfully is what preemptive attack in self-defense means. It is not a preventive war out of show of power.

Complementing the stand of Hugo Grotius, Charles-Louis de Secondat, Montesquie, and Emerich de Vattel, Anthony Clark Arend, a professor of Government and Foreign Service at Georgetown University, defines preemptive-strike as “[...] the use of military force in advance of a first use of

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<sup>354</sup> Heintz, Robert Debs, Dictionary of Military and Naval Quotations, Annapolis, Md.: U.S. Naval Institute, 1967, p. 246.

<sup>355</sup> Charles-Louis, de Secondat, Baron de la Brede et de Montesquieu, French Philosopher, 1689-1755, in Freeman W. C. Jr., The Diplomat’s Dictionary, Revised Edition, United States Institute of Peace Press, United States, 2003, p. 32.

<sup>356</sup> De Vattel, Emerich, 2010, April 20, in The Law of Nations 1758, retrieved 4:55 PM, April 21, 2010, from <http://www.lonang.com/exlibris/vattel/>.

force by the enemy.”<sup>357</sup> It is the ability to strike him/her who is aiming at striking first to avoid the consequences of inaction. For these reasons, scholars seem to agree that preemptive attack is an attack in self-defense, “[...] launched only after the state being attacked has either initiated or has given a clear indication that it will initiate an attack”,<sup>358</sup> a thought summarized by Ivo Daalder, a Dutch-American, a former US NATO representative.

The concept of preemptive strike in self-defense as enumerated above was reechoed by Richard N. Haass in his book “War of Necessity, War of Choice, A Memoir of Two Iraq Wars”. Haass, a former Special Assistant to President George H. W. Bush, explained preemptive-strike in self-defense as an “[...] action against an adversary preparing to attack imminently.”<sup>359</sup> No doubt, the interpretation of immanency could vary<sup>360</sup> depending on one’s standpoint, a view attested to by Charles Freeman<sup>361</sup>, a diplomat and writer.<sup>362</sup> The situation is

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<sup>357</sup> Arend, Anthony Clark, International Law and the Preemptive use of Military Force, The Washington Quarterly, spring 2003, p. 89.

<sup>358</sup> Daalder, Ivo H., 2009, September 12, Policy Implications of the Bush Doctrine on Preemption, November 16, 2002, in Memorandum to Members of the Council on Foreign Relations, American Society of International Law Roundtable on Old Rules, New Threats retrieved 3:45 PM, September 13, from <http://www.cfr.org/publication.php?id=5251>.

<sup>359</sup> Haass, Richard N., War of Necessity, War of Choice, A Memoir of Two Iraq Wars, Simon & Schuster, New York 10020, May 2009, p. 222.

<sup>360</sup> Freeman, W. C. Jr.: “Attitudes toward surprise attack to knock out an adversary of growing menace vary in proportion to geography and strength.”

<sup>361</sup> Freeman holds that “Those whose geographical separation from enemies gives them time to assess events or to seek their own moment of maximum advantage for a military reaction to a threat tend to condemn preemption. Those whose geographical situation and relative weakness vis-à-vis an adversary or combination of enemies create a greater danger that they will be overwhelmed tend to resort more easily to preemptive attack.” Freeman, W. C. Jr., The Diplomat’s Dictionary, Revised Edition, United States Institute of Peace Press, United States, 2003, p. 32.

all the more complex when one factors in the modern technologies, including weapons of mass destruction, and how such have increased the capabilities of the present-day terrorists, as well as rogue states, and how unexpected and devastating their attacks could be. Acknowledging this complex situation, the NSS emphasized the cost of inaction as necessitating preemptive action in self-defense, leading George W. Bush, the 43rd<sup>363</sup> president of the United States to declare: “We cannot let our enemies strike first.”<sup>364</sup> Not letting the enemy to “strike first” is defensive position that is not ready to suffer the first blow and thus risk the accruing consequences.

Nonetheless, the concept of preemptive-strike in self-defense is not devoid of controversy and ambiguity. Fatal mistakes could be made in the judgment of what and who constitutes an imminent threat. Also, what is thought to be an imminent threat, could turn out to be wrong judgment and poor conclusion. Hence, it becomes so frightening to imagine that a non-imminent threat could be seen as one, and that actions could be taken in error. The dilemma here is that the cost of inaction might be so devastating, just as striking in error of judgment would be problematic.

It would not be an exaggeration to say that in the world of today, the conventional form of armed attack is no longer the only source of threat to world peace and security. Terrorism is real, there are state-sponsors of terrorism, and

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<sup>362</sup> Freeman, W. C. Jr., *The Diplomat’s Dictionary*, Revised Edition, United States Institute of Peace Press, United States, 2003, p. 32.

<sup>363</sup> Bush 43<sup>rd</sup> Administration refers to the time of President George Walker Bush, born July 6, 1946, who was the 43rd President of the United States, serving from 2001 to 2009. He is the eldest son of President George H. W. Bush, who served as the 41st President, and Barbara Bush, making him one of only two American presidents to be the son of a preceding president. Cf. George W. Bush, *Bio, True Story*, Biography, <http://www.biography.com/people/george-w-bush-9232768>.

<sup>364</sup> The National Security Strategy, United States of America, September 2002, Pat V.

proliferation of WMD is ongoing. Waiting out to see the conventional form of armed attack might be a risk too big to bear. The threats of the New Millennium, many argue, demand more than just to wait it out and be attacked first in the conventional sense, in order to be the victim, who has right to respond in self-defense. Whatever be the case, preemptive-strike in self-defense cannot be one and the same with preventive war. There is a world of ocean between these concepts.

### **5.2.2 Preemptive-strike in Self-defense vis-à-vis Preventive-war**

Preemptive-strike in self-defense is not one and the same with preventive war. While preemptive-strike in self-defense “relies upon good intelligence about an enemy’s capabilities and a shrewd assessment of its intentions” to cause harm, an imminent situation that demands urgent response, “preventive war is a deliberate decision to initiate military violence because the initiator perceives that he has a preponderance of capability in his favor.”<sup>365</sup> Unlike preemptive-strike initiated out of an imminent situation that demands urgent action, preventive war is initiated deliberately and premeditatedly out of military advantage. “In general terms preventive warfare involves the use of an actor’s military capability in an offensive rather than defensive mode.”<sup>366</sup> And while the Charter recognizes self-defense as a trigger for preemptive-strike, it emphasizes that member-nations as a matter of obligation, should “[...] refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.”<sup>367</sup> And since preventive war a none UN-approved “use of force against the territorial integrity or political independence of any state”, such act is therefore illegal and unethical.

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<sup>365</sup> Evans, Graham and Newhman, Jeffrey, Dictionary of International Relations, p. 449.

<sup>366</sup> Ibid, p. 449.

<sup>367</sup> Charter of the United Nations, Article 2, p. 3.

Preventive war itself is an act of aggression. Conversely, preemptive-strike is that ability to strike first before one who is planning to strike you, strikes. In this case, it is an attack launched by the victim where there is imminent threat of an armed attack. Imminent is the key word. And when there is an imminent threat of an armed attack, the threatened becomes a victim who has the right of self-defense. While it would be right to say that preventive war is a war initiated out of apprehension, preemptive-strike is an attack initiated by a victim of an armed attack who has the right of self-defense. Since it is an actual armed attack that guarantees and triggers the right of taking an action in self-defense, it would be appropriate for us to dig in more on what an actual armed attack really signifies.

### **5.3 Actual Armed Attack**

An attack is an offensive action aimed at overcoming one's foe, rival, adversary or opponent. It is a "violent attempt to hurt, overcome, defeat".<sup>368</sup> Armed attack, therefore, is an attack involving the use of weapons, like the military invasion and occupation of Kuwait by the Saddam Hussein's regime on August 2, 1990. Another example would be the September 11, 2001 attack on United States, to mention but a few.

Armed attack is a serious threat that contradicts the objectives and purposes of the United Nations<sup>369</sup>. In its tireless effort in the pursuit of peaceful co-habitation of mankind, bearing in mind the possibility of threats to peace, breach of peace, and acts of aggression between nations, the United Nations enshrined in its Charter a set of regulatory statutes.

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<sup>368</sup> Hornby, A. S., Oxford Advanced Learner's Dictionary of Current English, Sally Wehmeier et tal., Sixth Edition, Oxford University Press, Oxford New York, 2003, pp. 65-66.

<sup>369</sup> See more information on The Rationale for the United Nations Formation in General Introduction, 0.2, pp. 9-10.

We have seen earlier that the Charter prohibits threat or use of force against the territorial integrity or political independence of any state. Therefore, where this peace is threatened or breached or where act of aggression does exist, the Security Council may authorize the use of force, an armed attack to restore the territorial integrity or political independence of the threatened state.<sup>370</sup> The right of self-defense however, is an exception to the Charter's general prohibition on the use of armed force. The Charter recognizes and refers to this exception as an inherent right.

Explaining this right, Article 51 reiterated that “[...] nothing in the present Charter shall impair the inherent right of self-defense or collective self-defense if an armed attack occurs.”<sup>371</sup> And should a nation defend herself from an unjust aggression of another, such nation is expected to report immediately to the Security Council the measures taken in the exercise of this right of self-defense. No matter what the measures could be, the Security Council still reserves the absolute authority and total responsibility to take appropriate steps in the maintenance and restoration of world peace and security.<sup>372</sup>

Articles 2:4; 39; and 51 seem to contradict one another ranging from the prohibition of threat or use of force against the territorial integrity or political independence of any state (Article 2:4), then the stipulation that the Security Council may authorize the use of force, an armed attack to restore the territorial integrity or political independence of the threatened state (Article 39), and then the definition of the exact situations where a state may unilaterally decide to use military force in self-defense (Article 51). These seeming apparent contradictions notwithstanding, these Articles do not contradict one another. On the contrary, they complement one another.

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<sup>370</sup> Ibid, Article 39 p. 9.

<sup>371</sup> Ibid, Article 51, pp. 10-11.

<sup>372</sup> Ibid.

For peace to reign in the world, threats to peace, breach of peace, acts of aggression and use of force must be avoided. Nonetheless, where threat already exists, the Security Council by virtue of Article 39, “[...] shall make recommendations, or decide what measures shall be taken.”<sup>373</sup> Nonetheless, the Security Council, recognizing the fundamental and inherent right of self-defense of a member-nation in the face of an armed attack, cedes her right (as provided in Article 39) to the member-nation under attack. In an actual armed attack, a member-nation, therefore, could unilaterally use force in self-defense. And after the unilateral use of force in self-defense, that member-nation has the duty of reporting the action to the Security Council in accordance with Article 51.

Michael Bothe<sup>374</sup>, a professor of Public Law in Johann Wolfgang Goethe-University Frankfurt, in his article „Terrorism and the Legality of Preemptive Force“, argues that “[...] a threat may be so direct and overwhelming that it is just not feasible to require the victim to wait to act in self-defense until the attack has actually started.”<sup>375</sup> This situation may also be claimed nations as the reason why they initiated a preventive war. However confusing the rightful trigger of war in self-defense might be, imminence is the key word that guarantees action in self-defense. Dr. Colin S. Gray, a Professor of International Politics and Strategic Studies at the University of Reading, England, defining preventive war as “an act of aggression” that is “both illegal and immoral”

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<sup>373</sup> Ibid, Article 39, p. 9.

<sup>374</sup> Prof. Dr. Michael Bothe (11. Juni 1938 in Berlin), ehemals Professur,) ist ein deutscher Rechtswissenschaftler. Schwerpunkt seiner Tätigkeit ist der Bereich des Völkerrechts, insbesondere die Themen Friedenssicherungsrecht, Rüstungskontrolle, humanitäres Völkerrecht, internationales Umweltrecht und vergleichendes Staats- und Verfassungsrecht. Cf. Michael Bothe, Wikipedia, [http://de.wikipedia.org/wiki/Michael\\_Bothe](http://de.wikipedia.org/wiki/Michael_Bothe).

<sup>375</sup> Bothe Michael, Terrorism and the Legality of Preemptive Force, EJIL, Vol. 14 No. 2, 227-240, 2003, retrieved 10:10 PM, February 12, 2010, from <http://ejil.oxfordjournals.org/content/14/2/227.short>.

warned us not to be confused by the rhetoric: “Let there be no confusion over the practical meaning of a decision to wage preventive war. Such a decision translates as an unprovoked attack upon another supposedly sovereign state ... The preventive warrior is provoked by what he believes the intention of the preventee will be at some time in the future.”<sup>376</sup>

Huge rhetoric and propaganda are not to be interpreted as armed attack. Such is the nature of international power play. Just like acting on mere perceived threats could be catastrophic, ignoring imminent threats could be devastating. Armed attack that grants a UN member-nation the right to the use of arms in self-defense must be imminent. It must be factual, devoid of propaganda and empty rhetoric.

In the avoidance of ambiguity, the United Nations General Assembly, in the year 1974, defined acts of aggression as “[...] the sending by or on behalf of a State of armed bands, groups, irregulars or mercenaries, which carry out acts of armed force against another State of such gravity as to amount to the acts [...] of trans-border military force by state organs, or its substantial involvement therein.”<sup>377</sup>

### **5.3.1 Armed Attack: Dilemma and Irony**

In recent years, nuclear weapons, weapons of mass destruction and their proliferation have become the biggest threat to humanity in the area of peace and security. The United Nations Organization, through the IAEA,<sup>378</sup> clamps down on nuclear weapons proliferation, thereby helping to diffuse the accruing

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<sup>376</sup> Gray, Colin S., *The Implications of Preemptive and Preventive War Doctrines: A Reconsideration*, Juniper Grove, Fayetteville, Arkansas, February 20, 2008, p. 31.

<sup>377</sup> United Nations, General Assembly, *Definition of Aggression*, GA Res. A/3314, Article 3, Paragraph g., November 29, 1974, p. 143.

<sup>378</sup> IAEA represents the International Atomic Energy Agency.

tensions generated by the possession of such weapons, in her mission to save humanity from impending doom of self-annihilation.

Worthy of note, however, is the fact that despite the near excellent job of the IAEA, many countries and individuals go underground to produce and proliferate such prohibited nuclear weapons. In the bid to keep this under reasonable check, the UN, through the IAEA, uses diplomacy and sanctions in persuading countries against having nuclear weapons ambitions. The ugly irony is that, once a country secretly becomes nuclear weapons capable, such country is ranked among the super powers in a blitz. India and Pakistan stand out in this regard. Should nations therefore, pursue such weapons acquisition in order to enjoy recognition, relevance and respect?

The irony here is huge and the dilemma is mind-bugling. While nations without nuclear weapons capability feel threatened by those who have them, those who already possess such weapons and understand their destructive potentials, wish that no other nation should acquire them. Nonetheless, nations who already possess such weapons and understand their destructive potentials would still want to keep them, thereby compounding their vehement opposition to potential nuclear weapons seekers, and as such, raising an ethical question on the entire nuclear weapons acquisition cum proliferation power-play philosophy. While nuclear weapons capable nations rightly hold that the acquisition of nuclear weapons has enabled them to see better what risks humanity faces, pontifical seekers perceive such argument as a biased mediation and an unjust control aimed solely at keeping the powerful even more powerful, and the weak even weaker.

It is a common practice among nuclear powers to insist that their peace and security would be threatened and compromised if the other is allowed to acquire such weapons as they already have. We also see already nuclear weapons capable nations threaten to deploy all options, use of force inclusive, to dissuade

the others from becoming nuclear weapons capable. Could this concern be informed by the quest for the common good, or could it be as a result of their untiring effort to ensure self and power preservation? Again, this colossal irony makes both the possessors and seekers of nuclear weapons equally threatened by the other's line of argument, perceived intentions and its inherent implications.

Among the many threats that could trigger the right of self-defense, such threats arising from the resolute stands of both the possessors and seekers of nuclear weapons capabilities could seem to be imminent. However, seeming to be imminent is not the same as an imminent armed attack that automatically triggers the inherent right of action in self-defense. Preemptively striking the other in self-defense – apart from being triggered by an actual case of an imminent armed attack, whereby the victim of such armed attack is determined – is determined by the following criteria.

### **5.3.2 Right of Self-Defense: Criteria for Permissibility**

In the face of an imminent threat, the inherent right of self-defense kicks-in without much ado, since delay becomes risky. The effect of delaying could mean missing the opportunity and capability to act when it was still possible. For Walter Slocombe<sup>379</sup>, acting in self-defense has to do with some elements of anticipation. Slocombe insisted that the victim of an imminent threat should have the inherent right to anticipate such threat and act accordingly in self-defense. In his article “Preemptive Military Action and the Legitimate Use of Force”, Slocombe stated: “[...] if waiting before taking action means waiting until it is no longer possible to act effectively, waiting therefore, will do no good

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<sup>379</sup> Walter Becker Slocombe (born September 23, 1941) is a former U.S Under Secretary of Defense for Policy and Senior Advisor for Security and Defense to the Coalition Provisional Authority in Baghdad. Cf. Walter B. Slocombe, Wikipedia, [http://en.wikipedia.org/wiki/Walter\\_B.\\_Slocombe](http://en.wikipedia.org/wiki/Walter_B._Slocombe).

since the victim is then handicapped, having no choice other than being at the receiving end.”<sup>380</sup>

Acting in self-defense out of anticipation, for sure, would save the cost and consequences of inaction. Nevertheless, deploying an armed attack based on anticipation could, at the end of the day, be an action in error. If the threat is not imminent, then acting on such leans toward the preventive war strategy treated earlier in this work.<sup>381</sup> And to avoid acting in error, what are the conditions that make the threat of an armed attack imminent, whose presence guarantees the inherent right of self-defense to the victim of the threat?

Professor Abraham Sofaer, earlier cited in this work, believes that the main criterion for the legality of preemptive-strike in self-defense is necessity. Sofaer makes the case that the United Nations Charter does not limit the use of force in self-defense to imminent attacks alone. He argues that the Charter instead, establishes necessity as the standard for the use of force.<sup>382</sup> On his part, Geir Ulfstein<sup>383</sup>, a professor of international law at the Department of Public and International Law, University of Oslo, explained that “[...] the requirement of

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<sup>380</sup> Slocombe, Walter, B., Preemptive Military Action and the Legitimate Use of Force: An American Perspective, paper prepared for the CEPS/IISS, European Security Forum, Brussels, 13 September 2003.

<sup>381</sup> See more information on the difference between preventive war and preemptive-strike in self-defense in Chapter 5, 3.2 Preemptive-strike vis-à-vis Preventive War to read.

<sup>382</sup> Sofaer Abraham D., On the Legality of Preemption, Hoover Digest, No. 2, 2003, retrieved 4:20 PM, December 20, 2010, <http://www-hoover.stanford.edu/publications/digest/032/sofaer.html>.

<sup>383</sup> Geir Ulfstein (born 1951), a Law Professor at the Faculty of Law at the University of Oslo, researched extensively in the area of international law. He was director of the Norwegian Centre for Human Rights from 2004 till 2007. Cf. Geir Ulfstein, CV, <http://ulfstein.net/cv/>.

necessity means that force may only be used if no other means are available.”<sup>384</sup>

This criterion of necessity invariably holds that, before an attack is initiated preemptively, the UN process of conflict resolutions, aggressive diplomacy through dialogue and negotiations, must have been exhausted.

But when aggressive diplomacy fails to resolve the conflict, leading to threats to the peace, breach to the peace, and acts of aggression,<sup>385</sup> necessity therefore, becomes the criterion whereby force is used “if no other means are available”.<sup>386</sup>

The criterion of necessity becomes fierce and urgent when various options explored could not resolve the conflict.

Necessity, therefore, is the permissible criterion of preemptive-strike in self-defense. To determine this necessity, Professor Abraham Sofaer, earlier cited in this work, offers four factors. These factors include: “The nature and magnitude of the threat involved; The likelihood that the threat will be realized unless preemptive action is taken; The availability and exhaustion of alternatives to using force; and Whether using preemptive force is consistent with the terms and purposes of the United Nations Charter and other applicable international agreements.”<sup>387</sup>

## 5.4 Conclusion

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<sup>384</sup> Ulfstein, Geir, Terrorism and the Use of Force, Security Dialogue, Vol. 34, No. 2, 2003, p. 164.

<sup>385</sup> See more information On Threats to the Peace, Breach to the Peace, and Acts of Aggression in the General Introduction, 0.2.2, Article 39.

<sup>386</sup> Ulfstein, Geir, Terrorism and the Use of Force, Security Dialogue, Vol. 34, No. 2, 2003, p. 164.

<sup>387</sup> Sofaer Abraham D., On the Legality of Preemption, Hoover Digest, No. 2, 2003, retrieved 4:20 PM, December 20, 2010, <http://www-hoover.stanford.edu/publications/digest/032/sofaer.html>.

The United Nations ability to resolve threats to peace and security, breach to the peace, and acts of aggression is of great importance. That notwithstanding, threats and acts of aggression still exist. In an armed attack, there exist an aggressor who initiated the armed attack, and a victim of the armed attack. The right of self-defense unarguably belongs to the victim of an armed attack. Such armed attack must, however, be imminent, thereby conferring an inherent right of self-defense to the victim of an armed attack.

Nonetheless, an inherent right to take up arms in self-defense is not the same with preventive war. Preventive war as explained earlier, is a war initiated deliberately and premeditatedly out of military advantage to prevent an imagined or conceived future occurrence. Use of force should only be adopted out of necessity - where other forms of conflict resolutions have failed to resolve the threats to the peace, breach to the peace, and acts of aggression. In the upcoming chapter, the last chapter of this work, the strong case for smart-power diplomacy will be made, that is, the fusion of hard and soft powers to form the most potent and result-oriented front in the genuine efforts in conflict resolutions.

## **Chapter Six**

### **6. Making the Case for Smart-power Diplomacy**

#### **6.1 Introduction**

The pursuit of world peace and security through a combined exercise of hard-power and soft-power diplomacy (stick and carrot) does one thing abundantly clear, and that is, guaranteeing smart-power diplomacy. No matter the inarguable and fundamental importance of Hard-power diplomacy (stick), such exercise of power functions a lot better when merged with soft-power diplomacy (carrot). Merging soft and hard power in the pursuit of world peace and security affords the world the great opportunity to deploy a more vibrant and smarter option: smart-power diplomacy. In this discussion, the United States would serve us well as a reference point.

The United States of America, no doubt, is the world giant. Nonetheless, lots of countries are competing favorably in the juggle to become the giant of the world. Countries like China, France, Germany, India, Japan, Nigeria, Russia, South Africa, United Kingdom, and a lot more, desire a respectful mention and recognition in their galvanized posture in the events of the world-order today. No one can deny the fact that industrialization and civilization can no longer be a special attribute of a few countries or continents. This is a granite fact. All hands are now on deck. But what is also not deniable is the simple fact that among all these fast-developing countries, the United States is still and remains in the fore-front.

With immense population, producing and consuming economy, advancement in science and technology, enviable democracy, unparalleled diplomatic machine and buoyant history, the US is, no doubt, a reference point, a yardstick and a recipe in various forms in our Global Village. As the ancient Rome is acclaimed in history, so is the US of today in the world economy, politics, etc. It has

occupied a towering and a recognizable position in the world of today. Nonetheless, “The United States may be more powerful than any other polity since the Roman Empire, but like Rome, America is neither invincible nor invaluable.”<sup>388</sup> Whatever happens in the US, negative or positive, could impact the rest of the world. A fall in the New York Stock Exchange market sends the entire world’s financial markets tumbling from Europe to Asia and Africa, just as the passage of an economic stimulus bill into law in Washington signals hope and a new beginning in and around the world. This is the United States for you. It is undeniably the giant of the world and should be treated as one.

## **6.2 United States: A Reference Point**

Factually, the United States plays a commendable pacesetter-role in and around the world, especially in the area of peace keeping, international relations and diplomacy. When the US is actively involved and stays engaged, the whole world has a digital focus and a solid bearing. The world expects the US to lead, and whenever it is found wanting as a leader, the entire world literally panics. This is a statement of fact. Many US leaders recognize this role as a moral responsibility. Among the many US Presidents, John F. Kennedy, Richard M. Nixon, Roland Regan, Bill Clinton, and yes, Barack Obama, serve as modest examples of perfect-pitch US leadership role in the world, their shorts notwithstanding. They distinguished and still distinguish themselves uniquely in the world diplomatic efforts.

Like in a non-Hollywood, but real life situation, the US has not always been successful. But one thing is sure: they recognize the serious need to always stay engaged. This leadership role of the US is often expected in the world. Sometime it is over expected. Most times too, it is over exaggerated. Whatever

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<sup>388</sup> Nye, Joseph S. Jr., *Soft Power*, p. x.

be the case, the existence of this leadership-role reassures the world and its population. In the same way, its lack terrifies all and sundry.

This situation becomes a moral responsibility for any president of the United States. He not only has to make sure that he gets his acts together in domestic affairs, for which he was largely elected, but also has to maintain the US foreign image. Most times, the domestic and foreign demands clash against one another, leaving the policy makers with just tight options with lots of backlash for any slip-up. Recognizing the influential role of the domestic policies, the world-view of any US president influences his foreign policy proposals, and this could make or mar the universal order.

Weighing into the foreign policy proposals of Senator John McCain and then Senator Barack Obama in their 2008 presidential debate, Nicholas Burns, a Professor of the Practice of Diplomacy and International Politics at Harvard's Kennedy School of Government, in his article cited earlier, stated: "One of the sharpest and most telling differences on foreign policy between Barack Obama and John McCain is whether the United States should talk to difficult and disreputable leaders like Iran's Mahmud Ahmadinejad or Venezuela's Hugo Chávez."<sup>389</sup>

This became a heated debate that dominated the campaign rhetoric. The rest is today history. But the outcome of the election shows how much the majority of US citizens understood that stonewalling US foes would only serve a short term interest. Majority of the US citizens understood that in the world of diplomacy, the right altitude is only met with the right attitude. They spoke eloquently with their votes to the understanding and acceptance of Senator John McCain who in his concession speech, warmly congratulated President Barack Obama, saying:

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<sup>389</sup> Burns, Nicholas, We Should Talk to Our Enemies, Newsweek Web Exclusive, October 25, 2008.

“My friends, [...] we have come to the end of a long journey. The American people have spoken, and they have spoken clearly.”<sup>390</sup>

It is in the overall interest of all and sundry to dialogue, not only with friends, but also with difficult and disreputable leaders. Such is good for any country’s domestic policies, as well as enhances every country’s integral leadership role in the world of today. For instance, the Republic of Iran is an important state in the Middle East just as Venezuela is one of the world’s largest suppliers of oil. Given these hard realities, one would expect that the desperate search for peace in the Middle East would make respectful dialogue and negotiations to be a top priority. Nations do not have to be friends in order to get along in the world. They need mutual respect, engaging dialogue and active negotiations, in other words: aggressive diplomacy. Though friendship enhances swift diplomatic success, it is not a criterion for diplomacy. Isolating Iran or Venezuela would never be a smart diplomatic move.

Experts in foreign policy and diplomacy would attest to the fact that the unwillingness to negotiate with one’s foes lacks both wisdom and logic. Such lacks “Akọ na Uche”. More often than not, it is one’s enemies that intend, plan and execute atrocities against one. So it is a myopic coalition keeping relations only with one’s proved-friends. The loyalty of one’s friends is most certain, what needs to be contained is the opposition from non-friends. Though solution to the entire problems may not be found, aggressive diplomacy through dialogue and negotiations helps to keep a close eye on such problems, after all, the old axiom that has stood the test of time says: “Keep your friends close and your

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<sup>390</sup> McCain, John, 2010, November 11, in Politico, Concession Speech, Politico, November 5, 2008, retrieved 12 AM, November 12, 2010, from <http://www.politico.com/news/stories/1108/15303.html>.

enemies closer.”<sup>391</sup> In like manner, one does not solve a problem by running away from it.

Yitzhak Rabin, erstwhile Prime Minister of Israel would say, while defending why he negotiated with the Chairman of the Palestinian Liberation Organization, Yasser Arafat: „You don’t make peace with friends. You make it with very unsavory enemies.”<sup>392</sup> It is one’s enemies that one should make committed and concerted effort in the search for better solutions. Prime Minister Rabin with this diplomatic posture, acknowledged the above cited old axiom on keeping one’s enemies closer.

If history is anything we could make reference to, then the Cold War<sup>393</sup> era and its aftermath should have taught the world a lot. It was a time in history when diplomatic relations between many countries were at all-time record lows. Countries were cherry-picking what nation to have diplomatic ties with. Some leaders thought it was in the interest of their countries to cut off diplomatic relations with specific hateful countries. Amid angst as never before, countries formed themselves into military coalitions, spied on and invaded one another, embarked on expensive defense spending, doubled on conventional weapons, jumped into nuclear weapon and space race. All these never brought the intended respite. Instead, unhealthy competitions, orchestrated tensions and

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<sup>391</sup> A wise Saying.

<sup>392</sup> Yitzhak Rabin, 2009, May 17, in Quotes, retrieved 5:15 PM, May 18, 2009, from [http://thinkexist.com/quotes/yitzhak\\_rabin/](http://thinkexist.com/quotes/yitzhak_rabin/).

<sup>393</sup> The Cold War was the continuing state of conflict, tension and competition that existed primarily between the United States and the Soviet Union and those countries’ respective allies from the mid-1940s to the 1990s. Throughout this period, the conflict was expressed through military coalitions, espionage, weapons development, invasions, propaganda and competitive technological development, which include the space race. The conflict included costly defense spending, a massive conventional and nuclear arms race, and numerous proxy wars. Cf. Wikipedia, Cold war, [http://en.wikipedia.org/wiki/Cold\\_War](http://en.wikipedia.org/wiki/Cold_War).

conflicts ruled. Nuclear weapons were pointed at one another, and the world could have been destroyed in a twinkle of an eye.

At this conflicted and tensed moment in history, what weapons could not achieve, was resolved through aggressive diplomacy. Nicholas Burns acknowledged this fact in his writing cited already above. He writes: “JFK negotiated a nuclear Test-Ban Treaty with his mortal adversary, Nikita Khrushchev, just one year after the two narrowly avoided a nuclear holocaust during the Cuban missile crisis.”<sup>394</sup> And through the nuclear “Test-Ban Treaty”, a revolutionary and unprecedented relationship emerged: “[...] Nixon, the greatest anticommunist crusader of his time, went to China in 1972 to repair a more than 20-year rupture with Mao Zedong that he believed no longer worked for America.”<sup>395</sup>

The diplomatic-courage shown by John F. Kennedy<sup>396</sup>, Nikita Khrushchev<sup>397</sup>, Richard Nixon<sup>398</sup> and Mao Zedong<sup>399</sup> restored the world order in their time.

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<sup>394</sup> Burns, Nicholas, We Should Talk to Our Enemies, Newsweek Web Exclusive, Oct 25, 2008.

<sup>395</sup> Ibid.

<sup>396</sup> John Fitzgerald Jack Kennedy (May 29, 1917 – November 22, 1963), often referred to by his initials JFK, was the 35th President of the United States, serving from 1961 until his assassination in 1963.

<sup>397</sup> Nikita Sergeyevich Khrushchev, 15 April 1894 – 11 September 1971, was a leader of the Soviet Union. He served as General Secretary of the Communist Party of the Soviet Union from 1953 – 1964 and the Chairman of the Council of Ministers from 1958 to 1964. Cf. Nikita Khrushchev, Bio True Story, Biography, <http://www.biography.com/people/nikita-khrushchev-9364384>.

<sup>398</sup> Richard Milhous Nixon (January 9, 1913 – April 22, 1994) was the 37th President of the United States (1969–1974) and the only president to resign the office. He was also the 36th Vice President of the United States (1953–1961). Cf. Richard Nixon, Bio True Story, Biography, <http://www.biography.com/people/richard-nixon-9424076>.

They were able and disposed to engage with one another in an honest effort to head off looming catastrophes. They recognized their moral responsibility to dialogue and negotiate for a greater good: the common good.

If history in this regard could be an antecedent of good example, then in world's diplomatic relations and affairs, the US remains the forerunner and pathfinder. And with such position, comes the moral responsibility to put aside pride, take a step forward, and look for solutions beyond their shores. This is the greatest lesson learnt in ending the Cold War. Super powers shielded their swords and became real aware and conscious of the impending disastrous consequences of a careless choice. Sentiments gave way to reason, personal popularity gave way to the common good, and humanity witnessed the power of aggressive diplomacy through meaningful dialogue and respectful negotiations amongst nations.

The willingness to push for aggressive diplomacy, with friends and foes alike, is not naivety, like many would think. Dialogue with foes does not mean weakness but sturdy characteristics of strength. The inability to engage in meaningful negotiations is in itself a lack of an inner-strength. It creates more tension and escalates solvable conflicts. It is a huge deficit, a gross weakness, and it is shortsighted.

The Cold War era reminds humanity of one simple fact: humanity almost destroyed herself. Science and technology afforded man the quickest way to extinction. Thank goodness, one would say, the sword was shielded. That humanity could wriggle itself out of such disaster-in-wait is quite commendable. Nonetheless, as much as it is commendable, it is also despicable to see that the

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<sup>399</sup> Mao Zedong (26 December 1893 – 9 September 1976) was a Chinese Communist leader. Mao led the Communist Party of China (CPC) to victory against the Kuomintang (KMT) in the Chinese Civil War, and was the leader of the People's Republic of China (PRC) from its establishment in 1949 until his death in 1976. Cf. Mao Tse-tung, Bio True Story, Biography, <http://www.biography.com/people/mao-tse-tung-9398142>.

lessons learnt from this near-death-situation are yet to be put into meaningful use. Humanity is yet to say never-again shall we aim at destroying ourselves. That is yet to happen with the level of wars and rumors of war in the present time.

In this present dispensation, it would be right to say that the world has not been this fractured, has not been this fragmented and has not been this less focused. It is so frightening to think of the clouts of terrorism today, just as the high-tech of the pirates is extremely hard to believe. The rate of proliferation of weapons of mass destruction in the world of today sends shivers right into the spines, in the same way as the ravaging war waged by hunger and poverty against humanity.

Many in Africa and the Middle East have never known peace. Their lots have been wars and rumors of wars. And in this global village, it would be counterproductive and high point of ignorance to think that deserts and oceans separating countries from one another serve as impeccable boundaries and barriers enough to contain the troubled spots. More than natural boundaries, humanity has to do more through dialogue and negotiations.

Peace cannot be paid for, but rather has to be sought for. Peace through diplomatic resolution is inestimable. War is always blemishing even when it is interpreted as a necessary evil. The end does not justify the means. This is exactly what President Jimmy Carter meant when prior to the commencement of the war in Iraq, he said: “[...] war may sometimes be a necessary evil. But no matter how necessary, it is always an evil, never a good. We will not learn how to live together in peace by killing each other’s children.”<sup>400</sup>

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<sup>400</sup> Carter, Jimmy, 2009, June 3, in The Quotation Page, US Diplomat & Democratic Politician, retrieved 12:09 PM, May 418, 2009, from <http://www.quotationspage.com/quote/32042.html>.

What a wise saying! Peace through bullets always has cracks. In as much as dialogue and negotiations may not be the silver bullets in ensuring world peace, peace for humanity would only better be achieved with, and only with, the right attitude. With the right attitude, the right altitude is reached. Aggressive diplomacy remains the right attitude that guarantees the striking of the right cord. As never before, humanity needs to stay engaged in dialogue and negotiations. The present need is very urgent and fierce, and calls for a rapid overhauling of the diplomatic attitude. It calls for a frantic change, and now is the time. And more than ever, humanity needs again the leadership role of the United States. As the giant of the world, the US must act now.

Differences apart, friends and foes alike, progressive and conservatives, nations and continents believe that the US still occupies the hob, the epicenter of world activities. But just as “what affects the eyes implicitly takes a toll on the nose equally”,<sup>401</sup> progress or downfall of the United States could make or mar the world order. Take terrorist attack or economic meltdown for instance. Any of such misfortune in the US raptures the entire universe in awe. The terrorist attack on September 11, 2001 attests to this granite fact. In the other way round, a good foreign policy in the US signals to the rest of the world that better days are ahead. This has to be consciously in the know because any event in the US has a way of sending their ripple effects way into the world’s most powerful economies and democracies.

It is not a look down on the rest of the world leaders, however, one could say with great amount of certainty that the United States’ Presidency is the most important job-position in the world. The US president could as well be taken as the president of the world. In history, the US found diplomacy an integral tool in the inter-state relationship. She pursued diplomacy and cherished it with

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<sup>401</sup> A wise saying.

passion, defended it with her talents and treasures. She bled for it and was never afraid to engage or be engaged.

Nevertheless, it may not be an exaggeration to say that the reign and the doctrine of President George W. Bush may have diminished this US positive influence and leadership role in the world, thereby leading to untold diplomatic blunders world-wide. The “Bush Doctrine” only cancels out the dividends accumulated by the US far-reaching diplomatic policies, and to a large extent, waned also the mutual trust between nations, a mutual trust that remains an important factor in the formation of allies. The world order became tensed and fractured. In this dicey climate, the United Nations descended into fragments. In all, the “Bush Doctrine”, this go-it-alone foreign policy attitude and exercise of hard-power, rocked the diplomatic world and did more harm than, maybe, the intended good.

Comparing the consequences of two American wars in Iraq, Joseph S. Nye Jr. writes: “Unlike the 1991 Gulf War, when his father built a broad coalition, George W. Bush decided to attack Iraq in 2003 without a second United Nations resolution and with only a small coalition of supporting countries. In doing so, he escaped the constraints of alliances and institutions that many in his administration chafed under, but he also produced doubts about the legitimacy of our actions, and wide spread anxieties about how the United States would use its preponderant power.”<sup>402</sup>

The “Bush Doctrine” is an exercise of power-politics meant to exert concerted influence in the post September 11 world order. It is a practical example and demonstration of hard power, which though good as a strategy, but was incomplete for its nonexclusive nature and scope. Coalition of the willing was only able at threatening world troubled areas with more threats, with poor inducement payments, and lacking the attractive brand that can attract and co-

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<sup>402</sup> Nye, Joseph S. Jr., *Soft Power*, p. xii.

opt the world troubled areas to want what you want.<sup>403</sup> Nonetheless, most real and traditional world diplomatic endeavors have been heavily influenced by and orchestrated through power-politics. Let us examine this power-politics nature of world diplomacy.

### **6.3 Diplomatic Influence: An Exercise of Power**

Power, according to Oxford Advanced Learner's Dictionary, is the "ability to control people or things", the "ability or opportunity to do something" or the "right or authority of a person or group to do something".<sup>404</sup> Power could be exercised through command or coercion. In this way, power is that ability to influence the behavior of others in order to get them do what you want. The behavior of others could be influenced in three major ways: "You can coerce them with threats; you can induce them with payments; or you can attract and co-opt them to want what you want."<sup>405</sup> These three major avenues through which power is exercised – through threat, through payment or through attraction - have all been experimented on by various custodians of power in various times and places. Narrowly understood, power is the tool of command and coercion to be used to get others do what they would otherwise not do.<sup>406</sup> On a broader level, power could be conceived as a goal of a state, as a means of

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<sup>403</sup> Ibid, p. 2.

<sup>404</sup> Hornby, A. S., p. 988. <sup>404</sup> Hornby A. S., Oxford Advanced Learner's Dictionary of Current English, Sally Wehmeier et tal., Sixth Edition, Oxford University Press, Oxford New York, 2003, p. 988.

<sup>405</sup> Nye Joseph S. Jr., Soft Power, p. 2.

<sup>406</sup> Dahl, Robert, Who Governs? Democracy in an American City, Yale University Press, New haven, 1961, in Nye Joseph S. Jr., Soft Power, p. 2.

influence, as the formation of spheres, blocs and alliances, as guarantor of security or as ability and capability.<sup>407</sup>

Power-politics, apart from being the ability to influence the behavior of others, could also be the “[...] possession of capabilities or resources that can influence outcomes.”<sup>408</sup> Power in this context is presented as tangible reality in the form of population, territory, natural resources, economy, military and stability. In this way, a country that has “large population and territory, extensive natural resources, economic strength, military force, and social stability”<sup>409</sup> is considered as powerful. In the present dispensation, the concept of the political power of a state is so much determined by the economic and military capability of that state. Likewise, a determinable political power is a clear indicative of the strength of a particular state. That means to say that a state with superb economic and military power is globally recognized and respected. Also, major and powerful international organizations like NGOs and the Red Cross, and powerful military alliance like NATO, are conceived as equal avenues of exercising political-power.

Generally, the political power of a state could be used for the benefits of that state. Nevertheless, it could also be abused. Whatever be the case, the process of exercising this power determines the result. A state could exercise its political-power in two ways: in the form of hard power or soft power.

### **6.3.1 Exercise of Power: Hard Power**

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<sup>407</sup> Power in International Relations, 2009, May 4, in Wikipedia, The Free Encyclopedia, retrieved 11:45 AM, May 5, 2009, from [http://en.wikipedia.org/wiki/Power\\_\(international\\_relations\)](http://en.wikipedia.org/wiki/Power_(international_relations)).

<sup>408</sup> Ibid, p. 3.

<sup>409</sup> Ibid, p. 3.

Hard power is a country's foreign policy strategy carried out militarily and economically in order to influence the conduct and interest of another country. In this foreign policy strategy, the display of military and economic power is believed to highlight a country's strength. Power exercised by means of "military power which consists of coercive diplomacy, war and alliance using threats and force" is a brand of hard power aimed at "coercion, deterrence and protection". Economic power is likewise another brand of hard power whereby "aid, bribes and economic sanctions in order to induce and coerce" are employed.<sup>410</sup> And "[...] as the name would suggest, this form of political power is often aggressive, and is most effective when imposed by one political body upon another of lesser military and/or economic power."<sup>411</sup>

A good example of the use of political-power aggressively is documented in the writings of Niccolo Machiavelli, one of the main founders of modern political science, who used to be a diplomat and political philosopher. In Chapter xvii, of his famous book, "The Prince", on concerning cruelty and clemency, and whether it is better to be loved than feared, Niccolo Machiavelli stated: "The answer is, of course, that it would be best to be both loved and feared. But since the two rarely come together, anyone compelled to choose will find greater security in being feared than in being loved."<sup>412</sup> For Machiavelli, "greater security is achieved when one is feared", that is, to be feared ensures security while to be loved means weakness.

This tough image or the hard posture is often perceived in the foreign policies of various governments, who in the bid to ensure the security of its people and

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<sup>410</sup> Hard Power, 2009, April 17, in Wikipedia, The Free Encyclopedia, retrieved 10:20 AM, May 8, 2009, from [http://en.wikipedia.org/w/index.php?title=Hard\\_power&oldid=284494431](http://en.wikipedia.org/w/index.php?title=Hard_power&oldid=284494431).

<sup>411</sup> Ibid.

<sup>412</sup> Machiavelli, Niccolo, The Prince, A Bantam Book, New York, 1513, pp. 65-66.

property, tend to bully the others. It is adopted as necessary tactics that communicates or signals to the rest of the world in general, and to possible hostile nations in particular, that all options are on the table in the name of national security. It is elaborately magnified and displayed in the expensive defense budgets and the assemblage of large military personnel and technology. This is an affluent display of might which, nevertheless, is a display of power.

It works! And that is why talking tough and bullying are fast becoming the most accepted methods in foreign relations. However, in the efforts to be feared or perceived as tough, a volatile mad rush toward the acquisition of modern-day military technology, especially nuclear weapons, skyrocketed. Most countries believe that such acquisition of nuclear technology would elevate them to the ranks of world powers. Others believe that by such acquisition, they are feared and thus respected. In most cases, this Machiavellian principle<sup>413</sup> of hard power is adopted in order to weaken every opposition so as to dominate power-politics in a particular region or in the world.

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<sup>413</sup> Machiavelli reasoned that human beings offend their loved ones more than someone they dread. According to him, the reason why human beings are prone to this is because of fear which he said “is supported by the dread of pain, which is ever present.” Emphasizing the advantages of being feared over being loved, Machiavelli said: “Returning to the question, then, of being loved or feared, I conclude that since men love as they themselves determine but fear as their rulers determine, a wise prince must rely on what he and not others can control.” Niccolo Machiavelli’s choice of fear over love in ensuring security, may be informed by the nature of appalling mankind: “For this can be said about the generality of men: fickle, dissembling, anxious to flee danger, and covetous of gain. So long as you promote their advantage, they are all yours [...] and will offer you their blood, their goods, their lives, and their children when the need for these is remote. When the need arises, however, they will turn against you.” Cf. Machiavelli Niccolo, *The Prince*, A Bantam Book, New York, 1513, Chapter xvii, Concerning Cruelty and Clemency, and whether it is better to be loved than Feared, pp. 65-66.

Joseph S. Nye Jr. masterfully summarized the granite consequence of the powerful exercise of hard power thus: “The four-week war in Iraq in the spring of 2003 was a dazzling display of America’s hard military hard power that removed a tyrant, but it did not solve our vulnerability to terrorism. It was also costly in terms of our soft power – our ability to attract others to our side.”<sup>414</sup> In the “four-week-war in Iraq”, the US for sure won the war through her hard-power, but lost the peace. The reason was simple: “Winning the peace is harder than winning a war, and soft power is essential to winning the peace.”<sup>415</sup> Hard power alone is insufficient in the complex world of today. There is a great and urgent need to blend hard power with soft power.

### **6.3.2 Exercise of Power: Soft Power**

The concept of “soft power” was coined by Joseph S. Nye, Jr.,<sup>416</sup> who defined soft power as “the ability to get what you want through attraction rather than coercion or payments.”<sup>417</sup> Soft power, according to Joseph S. Nye Jr. could be summarized into attractive culture, political ideals, and sound policies. He writes: “The soft power of a country rests primarily on three resources: its culture (in places where it is attractive to others), its political values (when it

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<sup>414</sup> Nye, Joseph S. Jr., *Soft Power*, p. xi.

<sup>415</sup> *Ibid*, p. xii.

<sup>416</sup> Joseph S. Nye, coined the concept of ‘soft power’ in his book ‘Bound to Lead’ published in 1990. He elaborated on this concept in his other book ‘The Paradox of American Power’ published in 2001. And in an effort to explain this concept more extensively, Nye, Jr. published another book titled ‘Soft Power: the Means to Succeed in World Politics’. Recently, he propounded a new theory known as Soft Power. In this theory, he fused hard power together with soft power to arrive at what he called ‘smart power’. Cf. Joseph Nye, Wikipedia, [http://en.wikipedia.org/wiki/Joseph\\_Nye](http://en.wikipedia.org/wiki/Joseph_Nye).

<sup>417</sup> Nye, Joseph S. Jr., *Soft Power*, p. x.

lives up to them at home and abroad), and its foreign policies (when they are seen as legitimate and having moral authority).”<sup>418</sup>

Since the coinage of this concept of soft power, it seems to have become an integral part of world politics. Many countries praise and embrace soft-power posture, some others seem to loath the entire concept, while some others do not know what to make of it. Those who embrace it see it as the dawn of a whole new day in international relations. Some who criticize and loath it, see it as too weak and just a window-dressing in international relations. And some others, who do not know exactly what to make of it, prefer to remain skeptical of the entire concept. In all, soft power concept generates debate.

Weighing into this debate, the very man who developed the concept writes: “In the ensuing years, I have been pleased to see the concept enter the public discourse, used by the American secretary of state, the British foreign minister, political leaders, and editorial writers as well as academics around the world. At the same time, however, some have misunderstood it, misused and trivialized it as merely the influence of Coca-Cola, Hollywood, blue jeans, and money. Even more frustrating has been to watch some policy makers ignore the importance of our soft power and make us all pay the price by unnecessarily squandering it.”<sup>419</sup> Reiterating, Nye stressed that “Power comes in many guises, and soft power is not weakness. It is a form of power, and the failure to incorporate it in our national strategy is a serious mistake.”<sup>420</sup>

Recognizing soft power as “third dimension” power, alongside military and economic powers, Nye emphasized that “When you can get others to admire your ideals and to want what you want, you do not have to spend as much on sticks and carrots to move them in your direction. Seduction is always more

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<sup>418</sup> Ibid, p. 11.

<sup>419</sup> Ibid, p xi.

<sup>420</sup> Ibid, p. x.

effective than coercion, and many values like democracy, human rights, and individual opportunities are deeply seductive.”<sup>421</sup> This concept sounds reasonable enough. Where the caveat seems to be, nonetheless, is in dealing with terrorists and the menace of terrorism. It would be foolhardy to believe that terrorists, in their extremity, would yield to the concept of soft power. In this case, complementing “hard power” with “soft power”, as well as employing high-tech cyber know-how would be more realistic.

Identifying soft power concept as the new power concept that complements hard power, that is, military and economic powers, General Wesley Clark, a war veteran, in his book “Winning Modern Wars: Iraq, Terrorism, and the American Empire”, states that soft power afforded the United States “[...] an influence far beyond the hard edge of traditional balance-of-power politics.”<sup>422</sup> Nye himself states it this way: “Simply put, in behavioral terms soft power is attractive power. In terms of resources, soft-power resources are the assets that produce such attraction.”<sup>423</sup>

Equally, soft power could not be defined merely as the power of influence since hard power also influences the behavior of others through threats and economic sanctions. It would also be wrong to limit soft power as merely the power of persuasion or argument, although that is an important part of it.<sup>424</sup> In a nutshell, soft power is that energy in one, perceived by another as legitimate. It is based on sound ethical principles surrounded with genuine intention. Its priority is not to threaten or sanction. Conversely, it is that ability that not only attracts the

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<sup>421</sup> Ibid, p. x.

<sup>422</sup> Clark, Wesley K., *Winning Modern Wars: Iraq, Terrorism, and the American Empire*, Public Affairs, New York, 2003, p. 182.

<sup>423</sup> Nye, Joseph S. Jr., *Soft Power*, p. 6.

<sup>424</sup> Ibid, p. 6.

other, but also compels the other to yield to the cultural or political values of the other without being under undue pressure to do so.

The attraction energy inherent in soft-power-politics leads to mutual agreement among interest groups. And the institutions that enhance and stimulate this attraction are the legitimate cultural and political values of a nation. Before others would embrace values like democracy, such values have to be seen as worthy of emulation. Soft power no doubt, is a “staple of daily democratic politics” which culminates in amiable “values that others want to follow”. Such amiable values<sup>425</sup> include attractive culture, political ideals, and sound policies. Possessing such values will make leading in our world immersed in complexity less complicated as well as “cost less”.<sup>426</sup> The Vatican City’s ability<sup>427</sup> to shape world opinion even without a shot of a gun is a good example of the use of soft power.

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<sup>425</sup> Cultures here are those “set of values and practices” through which the society becomes meaningful. However, as there are different societies, so also are different sets of values and practices. What creates meaning for a particular society may be meaningless for another. Excellent wines and cheeses, for instance, do not guarantee attraction to France. American films that make the United States attractive in China or Latin America may have the opposite effect and actually reduce American soft power in Saudi Arabia or Pakistan. But in general, a nation’s popular cultures make it seem “exciting, exotic, rich, powerful, trend-setting - the cutting edge of modernity and innovation.” Cf. Nye Joseph S. Jr., *Soft Power*, pp. 44-60.

<sup>426</sup> Nye, Joseph S. Jr., p. 6.

<sup>427</sup> A good example is the Vatican which does not have a standing military and has, with an economy dependent on charity, but still has the ability to control and shape world opinion. This is possible because the Vatican has the moral power that is attractive and pursues legitimate issues. The Vatican as an example depicts actions, which are devoid of threats, but are objective, legitimate, valuable, non-hypocritical and less obnoxious. Such actions march words, and are therefore attractive. Cf. Nye Joseph S. Jr., *Soft Power*, p. 9.ff.

at the University of Southern California, believes that a nation's popular cultures make it seem "[...] exciting, exotic, rich, powerful, trend-setting - the cutting edge of modernity and innovation."<sup>428</sup> A nation's popular culture could be communicated to the outside world through writings, talent, learning and media with great impact and result. Other channels include "[...] personal contacts, visits, and exchanges. Foreign students return to their countries with great ideas and values of their countries of host that would in turn impact their own nations to a great deal."<sup>429</sup>

Elisabeth Rosenthal,<sup>430</sup> a medical doctor who writes for The New York Times specializing in epidemic disease, and scientific and environmental matters, in her June 16, 2001 writing in New York Times titled, "Chinese Test New Weapon from West: Lawsuits", revealed the impact of the Hollywood movies among the Chinese, who now embrace lawsuits as a way of asserting their rights. In this writing, a young Chinese activist is quoted as saying: "We've seen a lot of Hollywood movies - they feature weddings, funerals and going to court. So now we think it's only natural to go to court a few times in your life."<sup>431</sup> What this shows is that cultures of a country have to be attractive to others before they could be a formidable source of power.

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<sup>428</sup> Rosendorf, Neal Moses, *Social-Cultural Globalization: Concepts, History, and America's Role*, Chapter in Joseph S. Nye and Donahue John, eds., *Globalization and Governance in the 21st Century*, Brookings Institution Press, Washington, D.C, 2000, p. 123.

<sup>429</sup> Nye, Joseph S. Jr., *Soft Power*, p. 13.

<sup>430</sup> Elisabeth Rosenthal is a medical doctor who writes for The New York Times specializing in epidemic disease, and scientific and environmental matters. She attended Harvard Medical School, did her residency at The New York Hospital-Cornell Medical Center and worked at New York Hospital. In 1998, she became a correspondent for The Times' China bureau, where she did important coverage of SARS and AIDS. Cf. Elisabeth Rosenthal, Wikipedia, [http://en.wikipedia.org/wiki/Elisabeth\\_Rosenthal](http://en.wikipedia.org/wiki/Elisabeth_Rosenthal).

<sup>431</sup> Rosenthal, Elisabeth, *Chinese Test New Weapon from West: Lawsuits*, New York Times, June 16, 2001, p. A3.

Another source of soft power is the system of government and domestic policies inherent in a particular country. Such system of government like democracy and policies like in the area of human rights, determine the way such country is perceived from the outside. A positive or negative perception affects the soft power ability of such country one way or the other.

In the 1950s, the United States lost lots of its soft power ability in Africa because of the way African-Americans were discriminated against.<sup>432</sup> Systems of governments and domestic policies that discriminate against any ethnic group or race, be it in Darfur, China, Turkey or Iraq, seem unattractive to the outside world. Oppressive regimes are tarnished, and thus, such governments' soft power ability is drastically diminished. Before a country's system of government and domestic policies would turn to become its source of soft power, that country has to live out its political values. Only then shall they be worthy of emulation.

Finally, foreign policies of a country provide the third level of a country's source of soft power. A country that has legitimate and objective foreign policies has credibility. A nation's foreign policies determine its reach and clout. When they are friendly, even hostile nations are more determined than ever to do business with such nation. But if such foreign policies are diagnosed to be hostile or identified as over protectionist, such country loses its soft power ability. It could still do business with others, but lacks the moral power to get things done, since it is not a good example itself.

The decision of the George W. Bush's administration to go to war in Iraq without a second UN resolution was a dazzling display of America's hard military power that removed a tyrant. Nevertheless, it was a foreign policy

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<sup>432</sup> Nye, Joseph S. Jr., *Soft Power*, p. 13.

blunder that made the United States less attractive to others.<sup>433</sup> To be attractive, a country's foreign policies have to be perceived as legitimate and having moral authority.

The case for smart-power diplomacy is a discourse on why hard power exercised by means of military power which consists of coercive diplomacy, war and alliance using threats and force, serves humanity better when complemented by soft-power's attractive qualities in the form of a country's cultural values, political ideals, and sound policies. In the heart of this discourse is the phenomenal evolution of diplomatic concepts which sometimes, conflicts with raw power.

Naturally, countries enjoy more political clout, not because they have military and economic powers, but because they define their national interest to include attractive causes such as economic and humanitarian aid to nations in need, for instance the participation of the USA and other nations in economic and humanitarian aid in Haiti after the devastating earthquake; or being part of peacemaking operations in troubled regions areas like the Darfur Region of Sudan. This is a perfect form through which countries convert their goodwill into agenda-setting machine in the international power-politics. This is soft-power diplomacy at best. It has been proved to be an effective machine in the formation of allies.

However, the continued effectiveness of soft-power diplomacy depends so much on its compatibility with hard-power diplomacy. The two, soft-power diplomacy and hard-power diplomacy, complement one another. But each standing alone remains insufficient as a tool in the resolution of world's perennial conflicts. A proportionate combination of the two power-source diplomacy would produce a smart-power diplomacy that would enable the world thrive more in its hunt for

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<sup>433</sup> Ibid, p. 5.

peace for humanity. To ensure this balance of power, nations have to step out of their comfort zones, talk and negotiate like partners, as well as make sacrifices where need be. They have to be bold in their diplomatic strength imbedded in their rich cultures, and in their diplomatic negotiations with one another, and never shy away from it, or rely exclusively on their military exploits. Let us now take a look on how a country's rich culture could be a huge source of her diplomatic strength.

### **6.3.2.1 Culture: An Integral Source of Soft-power**

A country's culture is the main source of her soft-power diplomacy. Culture here are those "[...] values and practices that create meaning for a society."<sup>434</sup> Joseph S. Nye Jr. believes that a country stands to gain when her culture and policies earn worldwide respect. He writes: "When a country's culture includes universal values and its policies promotes values and interests that others share, it increases the popularity of obtaining its desired outcomes because of the relationships of attraction and duty that it creates."<sup>435</sup> The culture of a country could be communicated to the outside world through "Commerce [...] personal contacts, visits, and exchanges."<sup>436</sup> In writing how superior the United States' soft power is when compared to her economic and military resources, Josef Joffe, a German editor, wrote: "U.S. culture, low-brow or high, radiates outward with an intensity last seen in the days of the Roman Empire – but with a novel twist. Rome's and Soviet Russia's cultural sway stopped exactly at their military borders. America's soft power, though, rules over an empire on which the sun never sets."<sup>437</sup>

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<sup>434</sup> Nye, Joseph S. Jr., *Soft Power*, p. 11.

<sup>435</sup> *Ibid*, p. 11.

<sup>436</sup> *Ibid*, p. 13.

<sup>437</sup> Joffe, Josef, *Who's Afraid of Mr. Big?*, *The National Interest*, Summer 2001, p. 43.

The Asian rich and beloved “arts, fashion, and cuisine of Asia’s ancient cultures” no doubt serve as “impressive potential resources for soft power” in the world.”<sup>438</sup> It is the same with “European art, literature, music, design, fashion, and food” that serves as “global cultural magnets”.<sup>439</sup> The Soviet Union’s “resistance to Hitler” won them many friends in Europe, just as their “opposition to European imperialism” in Africa and Asia won them great admiration.<sup>440</sup> Norway’s participation in “peace talks in the Philippines, the Balkans, Colombia, Guatemala, Sri Lanka, and the Middle East for the past two decades enables such “political clout that is greater than their military and economic weight”. Equally, Nigeria’s soft-power diplomacy manifests in her commitment and role in peace keeping and conflict resolutions in Africa in the areas of “[...] long-term chairmanship of the UN Special Committee against Apartheid; and its leadership of peacekeeping missions in Chad (1979-82), Liberia (1990-98), Sierra Leone (1996-00), and Cotê d’Ivoire (2000-Date)”<sup>441</sup> have won her the admiration and respect of many.

A country cannot so much control what others think of her. But through her policies at home and abroad, a country could provide the necessary window and gateway through which other countries could perceive appropriately. The promotion of attractive policies would reinforce a country’s soft-power. In the same way, the promotion of repulsive policies would minimize her soft-power potentials. Worst still: “Domestic or foreign policies that appear to be hypocritical, arrogant, indifferent to the opinion of others, or based on a narrow

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<sup>438</sup> Nye, Joseph S. Jr., *Soft Power*, p. 83.

<sup>439</sup> *Ibid*, p. 75.

<sup>440</sup> *Ibid*, p. 73.

<sup>441</sup> Mohammad, Kuna J., *The Role of Nigeria in Peace Building, Conflict Resolution, and Peacekeeping since 1960*, Hanwa, Ahmadu Bello University, Zaria, Saturday, June 11th, 2005, p. 2.

approach to national interests can undermine soft power.”<sup>442</sup> Hence, a country “[...] can attract or repel others by the influence of their example.”<sup>443</sup> A country’s rich and attractive culture could be a huge source of her soft-power diplomatic strength. Nonetheless, repulsive policies repel important allies: “[...] the 1950s racial segregation at home undercut American soft power in Africa, and today the practice of capital punishment and weak gun control laws undercut American soft power in Europe.”<sup>444</sup> Despite their differences in approach and implementation, soft and hard powers, however, complement one another.

#### **6.4 Hard vis-à-vis Soft Power**

The concepts of hard and soft powers, as shown earlier, are in contrary oppositions, even from the meaning of the words. “Soft power” is antonymic to “hard power”, for they mean the complete opposite of one another. In international politics, hard power induces and threatens while soft power influences. Both hard and soft power concepts stand the risk of losing the center of gravity by maintaining a far right or far left stance. Irrespective of their individual proceeds, it would be naive to think or hope that one of the two is sufficient enough in restoring peace and security to humanity. As Financial Times rightly pointed out, “To win the peace, therefore, the US will have to show as much skill in exercising soft power as it has in using hard power to win the war.”<sup>445</sup> Merging together the soft and hard power concepts would provide a formidable technique for success in international politics. Such technique stands for the colloquial “carrots and sticks” formula.

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<sup>442</sup> Ibid, p. 14.

<sup>443</sup> Nye, Joseph S. Jr., *Soft Power*, p. 14.

<sup>444</sup> Ibid, p. 13.

<sup>445</sup> Financial Times, *a Famous Victory and a Tough Sequel*, April 10, 2003, p. 12.

No doubt, through inducements and threats, countries with military and economic might could force others to bend to their will. This is a kind of hard power that could be deployed in order to achieve the desired target. It works; it is still relevant today and in the future. What I am saying here is that hard power alone is insufficient, but compatible to soft power, which is ‘the second face of power’. Through this ‘second face of power’ “a country may obtain the outcomes it wants in world politics because other countries - admiring its values, emulating its example, aspiring to its level of prosperity and openness - want to follow it.”<sup>446</sup> Here lies the greatness of soft power. With the agenda set, soft power attracts. It ‘co-opts people rather than coerces them’.<sup>447</sup>

Despite their methodological differences, hard and soft powers have a common goal, and that is, affecting the behavior of others in order to arrive at the same point. There exist however a distinction in the approach toward the same goal, for instance, “soft-power resources tend to be associated with the co-optive end of the spectrum of behavior, whereas hard-power resources are usually associated with command behavior.”<sup>448</sup> Through command power, which is a form of hard power that has the ability to change what others do, targets could be met. In the same way, through co-optive power, which is a form of soft power that has the ability to shape what others want, targets could equally be met once a good agenda is set. A good agenda is capable of making a country’s extravagant wishes unrealistic. Take for instance: Libya found its quest for nuclear technology too unrealistic with the kind of agenda set by the United States and European Union. With this realization, Libya came back to

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<sup>446</sup> Bachrach, Peter and Baratz, Morton, Decisions and Nondecisions: An Analytical Framework, *American Political Science Review*, September 1963, pp. 632 – 42, in Joseph Nye S. Jr., p. 5.

<sup>447</sup> *Ibid*, pp. 632-42.

<sup>448</sup> Nye, Joseph S. Jr., *Soft Power*, p. 7.

consciousness. They were made to recognize their responsibility toward the shared values contained in the Non-Proliferation Treaty.<sup>449</sup>

Joseph S. Nye Jr. is of the opinion that the target of hard and soft powers is on “affecting the behavior of others”, though through different means. The main dissimilarity involving hard and soft power remains “[...] one of degree, both in the nature of the behavior and in the tangibility of the resources.”<sup>450</sup> Nye further stated: “Command power – the ability to change what others do – can rest on coercion or inducement. Co-optive power – the ability to shape what others want – rest on the attractiveness of one’s culture and values or the ability to manipulate the agenda of political choices in a manner that makes others fail to express some preferences because they seem to be too unrealistic.”<sup>451</sup>

By their nature, soft and hard powers have a lot in common, and therefore, should work hands-in-glove. Nonetheless, areas of conflict abound. The two power-source strengthen and obstruct one another sometimes: “A country that courts popularity may be loath to exercise its hard power when it should, but a country that throws its weight around without regard to the effects on its soft power may find others placing obstacles in the way of its hard power.”<sup>452</sup> Whatever their difference, the management of hard power in its totality is the duty of the state. It belongs to the state to manage her mineral resources and reserves such as oil and mineral reserves. This cannot be said entirely of soft power.<sup>453</sup>

The distinction between hard and soft powers notwithstanding, both are only effective when they are combined for the same goal, soft power seems to be

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<sup>449</sup> Mansbridge, Jane J., *Beyond Self-Interest*, Chicago: University of Chicago Press, 1990.

<sup>450</sup> Nye, Joseph S. Jr., *Soft Power*, p. 7.

<sup>451</sup> *Ibid*, p. 7.

<sup>452</sup> *Ibid*, p. 25.

<sup>453</sup> *Ibid*, p. 14.

more effective since it ‘rests on the ability to shape the preferences of others’.<sup>454</sup> “Soft power uses a different type of currency (not force, not money) to engender cooperation - an attraction to shared values and the justness and duty of contributing to the achievement of those values.”<sup>455</sup> The effectiveness of soft power over hard power notwithstanding, no nation can operate on soft power alone, just as none can thrive only on hard power. A combination of the two produces a smart power. By extension, a combination of soft-power diplomacy and hard-power diplomacy ushers in the reign of smart-power diplomacy.

### **6.5 Smart-Power Diplomacy**

Niccolo Machiavelli and Joseph S. Nye, two political scientists whose views stand on opposite poles and spectrum would have had a lot to debate were they to have written and lived in the same time. The high point of the debate would have been which of the two concepts, hard power and soft power should be preeminent. It would have been an interesting debate. Machiavelli was of the view that hard power through the inducement of fear, leads to the desired success. Nye argues that Machiavellian advice to the princes in Italy that it was “more important to be feared than to be loved” would not fit in properly in today’s world. He instead holds that “it is best to be both”, that is, to be loved and to be feared.<sup>456</sup> To be loved is soft power and to be feared is hard power. The combination of the two, hard and soft powers, affords the necessary launching pad for smart-power diplomacy. Smart-power diplomacy therefore, is the ability to make a compelling case based on non-abused hard power and worthy and exemplary soft power.

Non-abused hard power is legitimate and self-evident. It helps to project the admirable and glamorous nature of soft power. Though different from one

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<sup>454</sup> Ibid, p. 5.

<sup>455</sup> Ibid, p. 7.

<sup>456</sup> Ibid, p. 1.

another in nature and context, hard and soft powers are inseparable. The one balances out the other. Explaining this complementary role between the two types of power, and the merits inherent, Nye recommends that “when countries make their power legitimate in the eyes of others, they encounter less resistance to their wishes. If a country’s culture and ideology are attractive, others more willingly follow [...] if it uses institutions and follows rules that encourage other countries to channel or limit their activities in ways it prefers, it will not need as many costly carrots and sticks.”<sup>457</sup> A country in this mode, no doubt, is enriched with smart-power diplomacy.

Time was when to be feared was all a country needed in order to get its agenda adopted in the international circle. Fortunately or not, in the world of today, it is no longer adequate just to be feared. It would also be foolhardy thinking that to be loved is the saving graces in international politics. To be feared and loved at the same time is the most significant way of maintaining world order. And this is smart-politics as well as smart-diplomacy.

The United States have enough hard power and an abundance of goodwill that fetches it enough love, that is, soft power. The blend between the two has been its secret to success in international politics.<sup>458</sup> Despite the US hard power, President Franklin Roosevelt in the 1930s reinforced the US sphere of influence in the Latin America with his administration’s soft power policy termed the “good neighbor policy”.<sup>459</sup> Another means through which the United States complement its hard power with soft power is by inspiring the “dreams and the desires of others” through well-tailored “global images” which in turn, seduces

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<sup>457</sup> Ibid, pp.10-11.

<sup>458</sup> McCloy, John and Schlesinger, Arthur Jr., in Haefele Mark, John F. Kennedy, USIA, and World Public Opinion, *Diplomatic History* 25, Winter 2001, p.66.

<sup>459</sup> Vloyantes, John P., *Silk Glove Hegemony: Finish-Soviet Relations, 1944-1974*, Kent State University Press, 1975.

“large numbers of students from other countries come to the United States to finish their studies”<sup>460</sup>.

As Josef Joffe, cited earlier rightfully said, the United States is an empire whose “sun never sets”. Invariably, to whom much is given, much is expected. That is why the US cannot afford to disappoint. Maybe, that is also the main reason why the US-Iraqi war blunder has taken a huge toll on the United States soft power. The US may be winning the war in Iraq, but losing the “power over opinion”, which according to Edward Hallett Carr,<sup>461</sup> a British realist, is one of the three essential elements in international power-politics which include military, economic, and power over opinion,<sup>462</sup> and realized through soft power. The power over opinion (soft power) is as important as military and economic powers.

Some might argue that not having a capable military and sound economy could diminish a country’s say in the world politics, thereby watering down its soft power ability. But that is not often the case. The example of the Vatican for instance as earlier pointed out argues against the above stance. The Vatican through its moral power that attracts and pursues legitimate issues, still has the

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<sup>460</sup> Védrine, Hubert and Moisi, Dominique, France in an Age of Globalization, Brookings Institution Press, Washington, D.C., 2001, p. 3.

<sup>461</sup> Edward Hallett ‘Ted’ Carr (28 June 1892 – 3 November 1982) was an English liberal realist and later left-wing British historian, diplomat, journalist and international relations theorist, and an opponent of empiricism within historiography. Carr was best known for his 14-volume history of the Soviet Union, in which he provided an account of Soviet history from 1917 to 1929, for his writings on international relations, and for his book *What Is History?*, in which he laid out historiographical principles rejecting traditional historical methods and practices. Cf. E. H. Carr, Wikipedia, [http://en.wikipedia.org/wiki/E. H. Carr](http://en.wikipedia.org/wiki/E._H._Carr).

<sup>462</sup> Edward, Carr H., *The Twenty Years’ Crisis, 1919-1939: An Introduction to the Study of International Relations*, New York, Harper & Row, 1964, p. 108.

ability to control world opinion, despite not having a standing military and having an economy dependent of charity.

Though a country has to be economically and militarily sound before it could contribute effectively and help shape world opinion with its soft power, nevertheless, soft power is independent of hard power. It only plays a complementary role. As Joseph S. Nye, Jr. would say, “Sometimes countries enjoy political clout that is greater than their military and economic weight would suggest because they define their national interest to include attractive causes such as economic aid or peacemaking.”<sup>463</sup> Nigeria, for instance, may be a ranked member<sup>464</sup> in the club of corrupt nations,<sup>465</sup> as proved by the reports of the Transparency International<sup>466</sup>, as well as running an epileptic show in the name of democracy, nevertheless, its ever willing disposition to contribute peacekeepers, and its dominant role in peacekeeping itself, in and around Africa have attracted praise and recognition.

Hard power could also be attractive, not in the way soft power is, but informed by the feeling of insecurity or the quest to show off. This kind of attraction explains the reason why nations are in the mad rush for the acquisition of

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<sup>463</sup> Nye, Joseph S. Jr., *Soft Power*, p. 9.

<sup>464</sup> Ezra, Ijioma, 2011, December 10, Corruption, Nigeria’s most talked about problem, in British Broadcasting Cooperation, Poll, in – BBC poll, Punch Newspaper, Nigeria, retrieved 7:45 AM, December 11, 2011, from <http://www.punchng.com/Articl.aspx?theartic=Art20101209582420>.

<sup>465</sup> BBC News Word, World is getting more corrupt, 2011, February 11, in British Broadcasting Cooperation, Poll,says transparency poll, December 9, 2010 retrieved 9:08 PM, February 12, 2011, from <http://www.bbc.co.uk/news/world-11954667>.

<sup>466</sup> Okulaja, Ayo, 2010, December, 9, in Politics Nairaland Forum, Nigerians Among Highest Bribe Payers in the World, A Transparency International Report, 234NEXT Newspaper, Nigeria, 2010, retrieved 8:44 AM, December 10, 2010, from <http://www.nairaland.com/565783/nigerians-among-highest-bribe-payers>.

nuclear weapons today. We have seen similar quest and attraction for hard power in the past. Handy examples are Adolf Hitler and Joseph Stalin who desperately pursued hard power. These former leaders of Germany and Soviet Union respectively, intended to use their hard power approach not only to intimidate and set agenda for weaker nations, but also to establish unrivaled institutions and empires.<sup>467</sup> They lived out that Niccolo Machiavellian principle that extols and exults “to be feared than to be loved”.<sup>468</sup>

However, they were dead-wrong. They abused hard power while lacking in soft-power. Assisting poor nations economically or being involved in peacemaking efforts in troubled regions enhances a country’s international clout, just in the same way institutions that are consistent with democratic values do. These are various forms of asserting soft power. It must be attractive, legitimate, less parochial, but in conformity with universal values.

## **6.6 Toward a General Conclusion**

The 6th century BCE Ancient Greek Philosophers who dealt with a wide variety of subjects, like political philosophy, ethics, metaphysics, ontology, logic, biology, rhetoric, and aesthetics “taught themselves to reason” ab initio. It is possible that they were influenced by the older wisdom literature and mythological cosmogonies of the ancient Near East. Such wisdom literatures may also have “helped to liberate” their “imagination” and may have given them “many suggestive ideas”.<sup>469</sup> Nonetheless, their immediate environment, no doubt, assisted in their thought process which is why their philosophy is called “Greek Philosophy”.

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<sup>467</sup> Nye, Joseph S. Jr., *Soft Power*, p. 9.

<sup>468</sup> Machiavelli, Niccolo, *The Prince*, p. 66.

<sup>469</sup> Griffin, Jasper, Boardman John and Oswyn Murray, *The Oxford history of Greece and the Hellenistic world*, Oxford University Press, Oxford, ISBN 0-19-280137-6, 2001, pp. 140.

The biological make-up of man (like man's brain formation and intelligence quotient) notwithstanding, the environment and information-source influence the resultant thought process of every individual or group, making such thought process unique and original. These two sources – environment and information-source – determine the output of one's thought process. And just as it is right to say that man is what man thinks, man is the product of his environment as well as the product of his source of knowledge.

The “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense and Alternative Conflict Resolutions as a work, is influenced by the various environments I have been opportune to be and schooled, as well as the diverse sources of information I have been lucky to have access to. It is a blend from a rich Igbo tradition whereby words and expressions, like in many other cultures, bring to birth the ethics of life of a particular group of people hidden in the common day by day words and expression. The Nigeria-Biafra Civil War, brought along a rich trend of word formation on the right of self-defense, the validity of war, and the ethics of war. Also being a student once again in the faculty of Christian Social Ethics, helped to blend these ideas and provided more sources that motivated the choice and the x-raying of this topic: “Akọ na Uche” (Wisdom and Justifiability) of Preemptive-strike in Self-defense and Alternative Conflict Resolutions. This is an undertaken, an endeavor that analyzes the occasions, impacts, and implications of the right of self-defense, not only from the point of view of it being an inalienable right of an individual, and of a state by extension, but also from the perspective of it as provided by the Charter of the United Nations.

The right of self-defense has been exercised rightfully as well as wrongfully. Most astonishing however, is the kind of energy-loaded rhetoric leading to such wrongful exercise of right of self-defense. Sometimes too, the rightful implementation of this same right is roundly denounced, leaving one to be in

doubt on who is right or and who is wrong. Whatever be the case, the Charter of the United Nations is eloquent on the exercise of this right. It provides that the right of self-defense is a right morally justified, correct and consistent with the generally held ideas of morality and proper conduct.

That having been said, it is also important to point out that not every occasion elicits preemptive-strike in self-defense. Such occasions are better resolved through diplomatic means in the form of dialogue, leading to the adoption of treaties and the likes. This is exactly the chief aim why the United Nations was formed, an organization formed to foster peace and security for humanity through dialogue, negotiations and diplomacy, and through wars as last option, when diplomacy fails to achieve the peace without the firing of a gun. For sure, it is a difficult task trying to make peace with one who has war in his heart, and as such, it would be naïve to think that diplomacy works like a magic wand. Diplomacy is rather a difficult and time consuming project that is nonetheless possible. It is the umbrella needed not only on rainy days, but on a windy as well as sunny day. Therefore, one loses nothing having this umbrella always handy.

In the present era of mutual suspicion, nuclear arms, terrorism, and the likes, allowing a country that secretly became nuclear arms capable in order to become a super power and a big influencer in foreign policies is an undeserving reward that would only motivate more countries to secretly acquire nuclear arms as the undisputable launching pad to relevance in international community. The end, no doubt, would never justify the means. The means, therefore, is as important as the means to it. Thus, if the means to being nuclear arms capable is shrouded in deceit, the product of such deceit, such choice, should be denounced.

Every choice has its consequence. Realizing this fact guides and sustains the political and diplomatic face of a nation in the making of wise decision. Failure to grasp this simple fact could lead to acts of aggression, breaches of peace, and

threats to international peace and security. What we need, therefore, is that the United Nations, the highest world's arbiter, must be alive and active to its responsibility. In the same vein, member nations, who pledged to push for world peace and security, must never forget to recognize the consequences of their actions and choices. They must also become conscious of what responsibility they have in hand, and should therefore desist from exacerbating the already precarious, fragile and tensed world situation.

Nations could do this by eschewing acts capable of sending the erroneous and negative signals to allies and non-allies. Acts such as name-calling and name-tagging (like labeling enemy-states as rogue states, axis of evil etc.). Such situation excludes nations from the table of diplomacy, thereby exacerbating the already precarious world situation. For instance, a labeled rogue state or a branded axis of evil would never find it fun sitting down in negotiations with the name-tagging nation. They may perceive such name-tagging as a too harsh use of words whose only goal is to intimidate the other.

If ever any diplomatic process is initiated in an environment of name-tagging, extremists and fundamentalists often exploit such situation through aggressive propaganda, thereby not only polluting the water of diplomacy, but also putting an unfortunate barrier in the wheels of any diplomatic process. And if the diplomatic process would ever produce potential diplomatic agreements, such would be branded as appeasement, turning the process into a mere kabuki theater. Such diplomatic process may lead to no single positive achievement, and could turn out to become a mere drama that does nothing to lift the excruciating burden of humanity. Relations among nations achieve a lot better when it is guided by the ethics of human relations summed up in mutual respect and verifiable trust amongst nations.

In as much as more than the majority is of the opinion that the United Nation needs restructuring, the UN is at the moment the best international body with

enough credentials in the pursuit of world peace and security. We cannot trade it for nothing. Until we have a better alternative, the UN Charter provisions and tenets have to be treated with the utmost respect and as a unit. They should neither be adopted only when they are favorable nor sidetracked because they are unfavorable. The Charter is the best guide toward a world free from slavery, war, arms race, oppression, etc. It is the guide that ushers in great opportunities for dialogue amongst nations, ensures justice, fairness and fair-play. It also affords world nations the forum through which they could rein in the fringe ones through a diplomatic process. The process of diplomacy, therefore, should be given the appropriate and fair chance to succeed. It should not be undermined for whatever reason.

A diplomatic process could usher in the imposition of sanctions should that be considered as the viable alternative means to resolving the imminent conflict. Such sanctions could be in forms of trade, finance, cooperation, etc. And should the imposition of sanctions not break the deadlock, then, and only then could the use of force in conflict resolutions become a viable alternative. It would be fair to say that from the beginning of every diplomatic process, it is assumed that every option would be on the table including the option to use force where need be. The use of force option should, therefore, be considered as the last solution in resolving a conflict of high priority. Even at that, it does not belong to the negotiating parties to decide on the use of force in conflict resolutions. The UN Security Council has the utmost duty to decide on the use of force in conflict resolutions after thoroughly examining the recommendations of the negotiating parties.

This huge responsibility on the shoulder of the UN Security Council should be carried out devoid of politicization, since doing such would only compromise fairness, the main target of the entire diplomatic process. To guard against politicization of the Security Council decisions, authorizing the use of force in

conflict resolutions must be as a reasonable solution and response to humanitarian catastrophes or in the case of self-defense.

Scholars seem to be one in agreement that self-defense is an inalienable right of the individual and of a nation. However, on what qualifies as threat that would trigger a strike in self-defense, there seem to be a deluge of concepts. That notwithstanding, the UN Charter is explicit in noting that the victim of an armed attack possesses the right of self-defense. And in the use of force in conflict resolutions, “imminent” is the key word, meaning that a threat that triggers the right of self-defense must be one, if left as it is, would be disastrous for the threatened. Such threat makes inaction a costly choice, and should war break out following a response to this threat in self-defense, such war would be seen as war out of necessity and not out of choice.

Preemptive-strike in self-defense is not one and the same with preventive war which is a demonstration of power and an endeavor out of choice. War as the last option in conflict resolutions is an example of hard-power diplomacy, a sharp contrast from soft-power diplomacy that seeks to resolve conflicts through concessions (but criticized by opponents as appeasement). Proponents of hard-power diplomacy criticize soft-power diplomacy as being too soft on issues demanding urgency. On the other hand, the proponents of soft-power diplomacy denounce the use of war, like the War on Terror, not from the point of view of it being a necessary evil, but from the point of view of its undisclosed costs: lives of innocent human beings who end up in the book of history as mere collateral damage.

The War on Terror, could be compared to the “challenge of the Cold War”, that could not be “met by military power alone”. And when military power alone could not yield the desired result, the attraction of a country’s soft-power diplomacy which “rests on the ability to shape the preference of others”, becomes an essential tool. Acting “in an arrogant manner”, could not only

“destroy the real message” of diplomacy, but also could be repulsive. To stand the chance of succeeding diplomatically in the present dispensation, there is an urgent need to blend together hard-power and soft-power diplomacy into the most potent machine.

Worry they say, looks around, sorry looks back, while faith looks up. Looking up in faith and hope for a better world is the positive thing to do. Nonetheless, “Just as the body is dead without a spirit, so also faith is dead without good deeds.”<sup>470</sup> Hence, for us to better the lots of humanity, we must work for it by refurbishing civics education, incorporate in it a passionate teaching of political and diplomatic civics, and also emphasize on the consequences of the choices we make. It will also better the lots of humanity when we place an exhaustive diplomatic process that wins concessions ahead of war, and only choose war as the last option when aggressive diplomacy fails to resolve the inherent conflicts.

Again, it will better the lots of humanity when we realize that preemptive-strike in self-defense should not be on the basis of political, ideological, strategic interests, or on military superiority, but on the basis of real and imminent threat that demands urgent action to avoid the cost of inaction. It will also better the lots of humanity when we differentiate preemptive-strike in self-defense, this inalienable right, from preventive war, which apart from being an intrusive show of power and might, is also, expressly and explicitly, an ethical liability lacking proper wisdom and running short of justifiability: lacking in “Akọ na Uche”.

The way forward in bettering the lots of humanity goes through smart-power diplomacy, a smarter alternative to conflict resolutions. Neither hard-power nor soft-power diplomacy is in itself adequate in the pursuance of world peace and security. For sure, each of these diplomatic schools of thought (hard-power school of diplomacy and smart-power school of diplomacy) possesses a

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<sup>470</sup> Life Application Study Bible, James, 2:26, p. 1988.

reasonable amount of legitimacy. When diplomacy fails to realize the peace, war could be the necessary evil in conflict resolutions, despite its costs, human and material. Most times too, concessions through diplomatic process could be the invaluable talisman in resolving conflicts. Nonetheless, each complements one another in ensuring a world secured and peaceful. And when the two (hard-power and soft-power diplomacy) are combined in a diplomatic process, the formidable front becomes a smarter diplomatic process, a smart-power diplomacy that would produce a result oriented sets of objectives.

Unlike quick-result-yielding hard-power diplomacy, soft-power diplomacy may be slow but never at all rivaled. That notwithstanding, there seem to exist a persistent debate on the most effective and dependable means of arriving at result-oriented diplomatic procedure that would not only help in sorting out the menacing conflicts, but also establish a standard formula that would stand the test of time.

That standard formula that would stand the test of time is an alternative conflict resolution, that is, smart-power diplomacy. It is the right blend of hard-power and soft-power to form that desired potent front that would, thus, usher in a new era in diplomatic world and in conflict resolutions. This new era would imply a new diplomatic world guided by the common good, mutual trust, shared respect, targeted agenda, sound ethics and good morals. It is time for smart-power diplomacy, which by its nature, is “[...] neither hard nor soft. It is both.”<sup>471</sup>

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<sup>471</sup> Nye, Joseph S. Jr., *Soft Power*, p. 5; p. x; p. xiii.

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