

IRAQ, AFGHANISTAN, AND THE WAR ON TERRORISM: WINNING THE BATTLES AND LOSING THE WAR

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I. INTRODUCTION

On September 11, 2001, nineteen terrorists hijacked four commercial airliners loaded with civilian passengers and proceeded to crash two of them into the World Trade Center in New York City and one into the Pentagon in Washington, D.C. The fourth plane never made it to its intended target as it was brought to a fiery crash in the plains of Pennsylvania by its brave passengers.

The stories of the tragedy and terror of September 11, 2001 were written in the blood of more than 3000 innocent lives from over ninety countries and in the rubble of the financial and military centers of the world's remaining superpower. America and Americans were joined by nations and peoples across the globe united in grief and horror at the atrocities committed on that fateful day.

The Member States of the United Nations immediately convened the General Assembly and the Security Council on September 12, 2001, while the United Nations Headquarters itself was still under high alert, to express the international community's unanimous and unequivocal condemnation of the terrorist attacks and its universal sense of condolence and sympathy to the government and people of the United States of America. In Resolution 1368, the Security Council called on "all States to work together urgently to bring to justice the perpetrators, organizers and sponsors of these terrorist attacks" and also called upon "the international community to redouble their efforts to prevent and suppress terrorist acts including by increased cooperation and full implementation of the relevant international anti-terrorist conventions and Security Council resolutions, in particular resolution 1269."¹

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¹ S.C. Res. 1368, U.N. SCOR, 56th Sess., 4370th mtg. at 1, U.N. Doc. S/RES/1368 (2001) [hereinafter Resolution 1368].

Security Council Resolution 1368 also reiterated the inherent right of individual and collective self-defense under the Charter of the United Nations² and stressed that “those responsible for aiding, supporting or harbouring the perpetrators, organizers and sponsors of these acts will be held accountable”³—a clear reference to Al-Qaeda and the Taliban regime in Afghanistan.

Subsequently, the Security Council unanimously adopted resolutions 1373 and 1377⁴ to establish a consensus framework to combat international terrorism as a threat to international peace and security.⁵ Resolution 1373 directed States to “[a]fford one another greatest measure of assistance in connection with criminal investigations or criminal proceedings relating to the financing or support of terrorist acts” and “[p]revent the movement of terrorists or terrorist groups by effective border controls and controls on issuance of identity papers and travel documents.”⁶ Resolution 1373 also called upon States to intensify and accelerate the exchange of operational information and intelligence and to increase ratification and enforcement of existing conventions relating to terrorism.⁷ Most significantly, the Security Council emphasized “the need to enhance coordination of efforts on national, subregional, regional and international levels in order to strengthen a global response to this serious challenge and threat to international security.”⁸ Finally, the Security Council established a Counter-Terrorism Committee to monitor compliance with these obligations and obliged all Member States to report to the Committee within ninety days from the adoption of Resolution 1373.⁹

The Security Council confirmed the foregoing in a declaration on the global effort to combat terrorism, adopted in Resolution 1377 on November 12,

² *Id.*

³ *Id.*

⁴ Press Release, United Nations Security Council, Security Council Unanimously Adopts Wide-Ranging Anti-Terrorism Resolution, U.N. Doc. SC/7158 (Sept. 28, 2001), at <http://www.un.org/News/Press/docs/2001/sc7158.doc.htm>; Press Release, United Nations Security Council, Security Council Calls on All States to Intensify Efforts to Eliminate International Terrorism, U.N. Doc. SC/7207 (Nov. 12, 2001), at <http://www.un.org/News/Press/docs/2001/sc7207.doc.htm>.

⁵ See S.C. Res. 1373, U.N. SCOR, 56th Sess., 4385th mtg. at 1, U.N. Doc. S/RES/1373 (2001) [hereinafter Resolution 1373] (calling on States to work together to suppress the threat to international peace and security posed by terrorism); S.C. Res. 1377, U.N. SCOR, 56th Sess., 4413th mtg. at 2, U.N. Doc. S/RES/1377 (2001) [hereinafter 1377] (declaring a global effort to combat terrorism).

⁶ Resolution 1373, *supra* note 5, at 2.

⁷ *Id.* at 3.

⁸ *Id.*

⁹ *Id.*

2001.¹⁰ The Resolution 1377, among other things, affirmed that “a sustained, comprehensive approach involving the active participation and collaboration of all Member States of the United Nations, and in accordance with the Charter of the United Nations and international law, is essential to combat the scourge of international terrorism.”¹¹ It also stressed that “continuing international efforts to broaden the understanding among civilizations and to address regional conflicts and the full range of global issues, including development issues, will contribute to international cooperation and collaboration, which themselves are necessary to sustain the broadest possible fight against international terrorism.”¹²

Thus, within a period of two months, the Security Council, ostensibly acting on behalf of the international community, took unprecedented, proactive steps to address the new global paradigm resulting from the events of September 11. The success of the “global response to global terror,” as formulated by the Security Council in resolutions 1368, 1373, and 1377, however, rested upon a fundamental assumption: the Security Council would serve as the central forum of cooperation, decision-making, compliance monitoring, and enforcement. The efficacy of this global counter-terrorism paradigm requires at least three elements: a common definition of the threat, a common perception of the existence of a threat, and a common effort to combat the threat.

II. OBSTACLES TO A COMMON DEFINITION OF THE THREAT

The international community has sought to arrive at an agreed definition of “terrorism” for several decades, but such a definition has been elusive. Competing agendas in the effort to ensure respect for the law of self-defense, for legitimate armed struggle against foreign occupation, and for the sanctity of civilian life have thus far plagued the work of international efforts to adopt a general anti-terrorism convention and have impeded a consensus on the scope and applicability of any such convention. The international community has come close to creating a working definition of “terrorist acts” in the Declaration on Measures to Eliminate International Terrorism adopted by the General Assembly in Resolution 49/60 of December 9, 1994¹³ (as supple-

¹⁰ Resolution 1377, *supra* note 5, at 1.

¹¹ *Id.* at 2.

¹² *Id.*

¹³ G.A. Res. 49/60, U.N. GAOR, 49th Sess., Annex, U.N. Doc. A/RES/49/60 (1994)

mented in Resolution 51/210 of December 17, 1996),¹⁴ and more recently in Article 2(1) of the International Convention for the Suppression of the Financing of Terrorism adopted by the General Assembly in Resolution 54/109 of December 9, 1999.¹⁵

The Declaration provides, *inter alia*, that

Criminal acts intended or calculated to provoke a state of terror in the general public, a group of persons or particular persons for political purposes are in any circumstance unjustifiable, whatever the considerations of a political, philosophical, ideological, racial, ethnic, religious or any other nature that may be invoked to justify them.¹⁶

Article 2(1) of the International Convention refers to

(a) An act which constitutes an offence within the scope of and as defined in one of the treaties listed in the annex;¹⁷ or (b) Any other act intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of

[hereinafter Resolution 49/60].

¹⁴ G.A. Res. 51/210, U.N. GAOR, 51st Sess., Annex, U.N. Doc. A/RES/51/210 (1996).

¹⁵ G.A. Res. 54/109, U.N. GAOR, 54th Sess., Annex, U.N. Doc. A/RES/54/109 (1999) [hereinafter Resolution 54/109].

¹⁶ Resolution 49/60, *supra* note 13, at 3.

¹⁷ The Annex to the International Convention Contains nine treaties: the Convention for the Suppression of Unlawful Seizure of Aircraft, Dec. 16, 1970, 22 U.S.T. 1641, 860 U.N.T.S. 105; Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Sept. 23, 1971, 24 U.S.T. 564, 974 U.N.T.S. 177; Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, Dec. 14, 1973, 28 U.S.T. 1975, 1035 U.N.T.S. 167; International Convention against the Taking of Hostages, Dec. 17, 1979, T.I.A.S. 11081, 1316 U.N.T.S. 205; Convention on the Physical Protection of Nuclear Material, Mar. 3, 1980, 1456 U.N.T.S. 101, 18 I.L.M. 1419; Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, Feb. 24, 1988, 1589 U.N.T.S. 474, 27 I.L.M. 627; Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, Mar. 10, 1988, 1678 U.N.T.S. 201, 27 I.L.M. 668; Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf, Mar. 10, 1988, 1678 U.N.T.S. 201, 27 I.L.M. 669; and the International Convention for the Suppression of Terrorist Bombings, Dec. 15, 1997, 149 U.N.T.S. 256, 37 I.L.M. 249. Resolution 54/109, *supra* note 15, Annex at 13-14.

such act, by its nature or context, is to intimidate a population, or to compel a Government or an international organization to do or to abstain from doing any act.¹⁸

In resolutions 1373 and 1377, the Security Council condemns and criminalizes terrorist acts without providing a concrete definition or explicit reference to the aforementioned definitions. The absence of such definition stems from the international community's similar failure to agree on a general anti-terrorism convention and its incremental resort, since the early 1970s, to the adoption of a series of treaties, including those mentioned above, in order to deal with specific crimes which have been deemed to constitute terrorist acts.

Notwithstanding the success in arriving at a working definition as set out in Article 2(1)(b) of the International Convention for the Suppression of the Financing of Terrorism, the international community's failure to agree on the scope and applicability of a general anti-terrorism convention revolves primarily around a standoff between those who seek to carve out a military exception for the regular armed forces of States and those who argue in favor of an exception for national liberation movements and other contexts of foreign occupation. The few proponents of the latter exception wish to include attacks on civilians and other non-combatants within the scope of legitimate armed struggle in the context of national liberation movements and resistance against foreign occupation. An overwhelming number of States readily and correctly reject any legitimization of the use of force against civilians but some amongst them have gone as far as to argue that even attacks on military targets—such as soldiers and occupying forces—fall outside the scope of what is otherwise generally accepted as legitimate armed struggle. Both positions seem to contradict the underlying premise of the explicit reference in Article 2(1)(b) to attacks on civilians and any other persons “not taking an active part in the hostilities in a situation of armed conflict.”¹⁹ Based on that working definition, the use of force against active military targets in a situation of foreign occupation cannot be deemed to be a terrorist act any more than attacks on civilians, regardless of the cause or context, can ever be justified as legitimate armed struggle.

A lack of respect for immunity from attack for civilians and other protected persons and property instills a state of terror in mankind. Most would agree

¹⁸ *Id.* at 3.

¹⁹ Resolution 54/109, *supra* note 15, at 3-4.

that it is a soldier's *raison d'être* to be exposed to the possibility of violent death in carrying out his or her military duty. None would be surprised if the armed forces of an occupying power were met with armed resistance from elements of the occupant population. While soldiers and occupying powers have the right to defend themselves against such attacks within the parameters prescribed under international law, neither can claim an inherent immunity from attack. A civilian at home, at work, on a bus, on a plane, or in a café or disco, on the other hand, should be and must be immune from such attack and exempted from the fear of such an eventuality. It is the distinction between combatants and non-combatants that lies at the heart of the sanctity of civilian life in armed conflict. In the same manner as the Geneva Conventions prohibit the use of force against civilians on the basis of such distinction,²⁰ so too can an international legal instrument distinguish between legitimate armed struggle and terrorist acts.

In the meantime, and despite the universal rejection of the terrorist attacks of September 11, the absence of an international consensus on a general definition of terrorism has continued to impede the international community's efforts to adopt a general anti-terrorism convention and has hampered global efforts to combat terrorism in all its forms.

III. CHALLENGES TO A COMMON PERCEPTION OF THE EXISTENCE OF A THREAT

In the immediate aftermath of the terrorist attacks of September 11, the international community came together in an unprecedented manner and forged a mutually acceptable plan of action to combat international terrorism as a threat to international peace and security. The unanimity with which Security Council resolutions 1368, 1373, and 1377 were adopted reflected a universally shared and genuine recognition that it would be necessary to work together to respond to and combat the scourge of international terrorism. The unity of Member States was manifested in frozen bank accounts across the globe, the capture or elimination of several Al-Qaeda cells and operatives on the basis of shared intelligence, and most visibly in the uncontested use of force against Al-Qaeda training camps and the dismantlement of the Taliban regime in Afghanistan.

²⁰ See, e.g., Geneva Convention Relative to the Protection of Civilian Persons in Time of War, Aug. 12, 1949, 6 U.S.T. 3516, 75 U.N.T.S. 287.

President Bush's State of the Union address in January 2002,²¹ commonly referred to as the "Axis of Evil" speech, was a turning point in the global war against terrorism in many ways. The speech and the policy announced therein appeared to signal a move away from the international focus on the global threat personified by Osama bin Ladin and Al-Qaeda, the known perpetrators of the massive terrorist attack of September 11, in favor of a return to familiar battles against old and sovereign foes: Iraq, Iran, and North Korea. Less obvious and far more troubling was a shift from established multilateral institutions, including the United Nations and the North Atlantic Treaty Organization (NATO), which were playing a central role in the pacification and political transition in Afghanistan, to unilateral and preemptive use of force supported by loose, ad hoc coalitions.

The Axis of Evil speech also broadened the scope of terror to be fought. In his first speech after September 11, a September 20 address to a joint session of Congress and the American people, President Bush defined the scope of war on terror as being against terrorist groups of global reach.²² In this respect, Al-Qaeda stood uniquely and universally recognized. Also, when President Bush declared, "[e]ither you are with us, or you are with terrorists,"²³ the choice was clear and the world overwhelmingly and steadfastly stood with the United States. In the Axis of Evil speech, however, the President put all terrorists—local, regional, and international—and their "sponsors" on notice, thereby injecting the tensions of arriving at a common definition for terrorism as described in Part II. Thus, when President Bush changed focus and declared war against North Korea, Iran, and Iraq, the international community's choice was more difficult and the response more divided.

The message conveyed in President Bush's Axis of Evil speech shattered the unanimity of the Security Council. The Security Council failed to adopt further resolutions on the subject of terrorism until October 2002, and then only to condemn the terrorist attacks in Bali, Indonesia,²⁴ to condemn the

²¹ President George W. Bush, Address Before a Joint Session of the Congress on the State of the Union (Jan. 29, 2002), in 38 WKLY. COMPILATION OF PRES. DOCS. 133. A version of the address is also available at the White House website at <http://www.whitehouse.gov/news/releases/2002/01/print/20020129-11.html>.

²² President George W. Bush, Address Before a Joint Session of the Congress on the United States Response to the Terrorist Attacks of September 11 (Sept. 20, 2001), in 37 WKLY. COMPILATION OF PRES. DOCS. 1347, 1348. A version of the address is also available at the White House website at <http://www.whitehouse.gov/news/releases/2001/09/print/20010920-8.html>.

²³ *Id.* at 1349.

²⁴ S.C. Res. 1438, U.N. SCOR, 57th Sess., 4624th mtg. at 1, U.N. Doc. S/RES/1438 (2002).

hostage crisis in Moscow, the Russian Federation,²⁵ and to condemn the attacks against Israeli citizens and property in Kikambala and Mombasa, Kenya.²⁶

These attacks, and the consensus which emerged around Resolution 1441,²⁷ which strengthened the weapons inspection regime in Iraq,²⁸ facilitated the adoption of resolutions 1452, 1455, and 1456, which provided further measures for the international effort to combat terrorism.²⁹ This new consensus was short-lived, however, as it was once again shattered by the initiation of hostilities in Iraq in March 2003.

Under the UN Charter, the use of force is unlawful except (a) in the event of an attack in self-defense under Article 51³⁰ and/or (b) pursuant to Security Council authorization under Chapter VII upon a determination of the existence of a threat to international peace and security.³¹ Prior to the initiation of hostilities in Iraq, the United States and the United Kingdom advanced alternative arguments for the use of force. The two powers argued (a) that the war in Iraq was justified through self-defense, because Iraqi weapons of mass destruction represented an imminent danger: the Hussein regime would itself use the weapons or would supply the weapons to Al-Qaeda or other terrorist groups. Alternatively, they argued (b) that the war was authorized by Security Council Resolution 1441,³² for Iraq's breach of that resolution and resolutions

²⁵ S.C. Res. 1440, U.N. SCOR, 57th Sess., 4632d mtg. at 1, U.N. Doc. S/RES/1440 (2002).

²⁶ S.C. Res. 1450, U.N. SCOR, 57th Sess., 4667th mtg. at 1, U.N. Doc. S/RES/1450 (2002).

²⁷ See Press Release, United Nations Security Council, Security Council Holds Iraq in 'Material Breach' of Disarmament Obligations (Nov. 8, 2002), at <http://www.un.org/News/Press/docs/2002/sc7564.doc.htm> (announcing the Security Council's unanimous adoption of Resolution 1441).

²⁸ Resolution 1441 set up an enhanced inspection regime for a full and verified completion of the disarmament process established by Resolution 687 in 1991. S.C. Res. 1441, U.N. SCOR, 57th Sess., 4664th mtg. at 3, U.N. Doc. S/RES/1441 (2002) [hereinafter Resolution 1441].

²⁹ S.C. Res. 1452, U.N. SCOR, 57th Sess., 4678th mtg. U.N. Doc. S/RES/1452 (2002) [hereinafter Resolution 1452] (adjusting Security Council provisions regarding the frozen funds of the Taliban and members of the Al-Qaeda organization); S.C. Res. 1455, U.N. SCOR, 58th Sess., 4686th mtg. U.N. Doc. S/RES/1455 (2003) [hereinafter Resolution 1455] (improving the implementation of measures against the Taliban and members of the Al-Qaeda organization and their associates); S.C. Res. 1456, U.N. SCOR, 58th Sess., 4688th mtg. U.N. Doc. S/RES/1456 (2003) [hereinafter Resolution 1456] (adopting a declaration on the issue of combating terrorism).

³⁰ U.N. CHARTER, art. 51.

³¹ U.N. CHARTER, ch. VIII.

³² Resolution 1441, *supra* note 28, at 2-3.

dating back to 1990,³³ leaving Iraq a continuing threat to its neighbors, the region, and the international community.

Neither argument gained favor in the Security Council, among a majority of States, or most visibly in the streets of major cities around the world. The war in Iraq, unlike the war in Afghanistan, was divisive and controversial. The contention that a threat emanated from Iraq was not determined by the Security Council, confirmed by the weapons inspection regimes, or widely shared in the international community. The imminence of any such threat was broadly rejected and the coalition supporting the United States and United Kingdom in prosecuting the war lacked either breadth or depth of composition.

In failing to achieve a common understanding of the Iraqi threat, a common perception of its existence and imminence, or a common effort against its source, the war in Iraq not only failed to fall comfortably within the framework of the international effort to combat terror, but by challenging the international will as embodied by the Security Council, by undermining multilateral institutions and systems of cooperation, and by diverting resources and troops away from continuing efforts to dismantle and apprehend Al-Qaeda cells and operatives, the war in Iraq arguably has undermined the global war on terrorism and threatened the international consensus required to successfully and effectively sustain it. Iraq has, or at least threatens to, become the breeding ground of terror.

IV. ELEMENTS OF A COMMON EFFORT TO COMBAT INTERNATIONAL TERROR

The elements of a common effort to combat the threat of international terrorism are found in existing counter-terrorism conventions³⁴ and Security Council resolutions, in particular, resolutions 1269, 1373, 1377, 1452, 1455 and 1456.³⁵ While States must be held to account for direct and/or indirect support of terrorism and for illegal proliferation of nuclear and other non-conventional weapons of mass destruction, the war against terrorism cannot be successfully waged if it is understood as a war against sovereign nations. As a matter of conception, the terrorist enemy must be recognized as a non-state actor who has called into question the monopoly on the international use of

³³ *Id.* at 1-2.

³⁴ See, e.g., *supra* note 17.

³⁵ See S.C. Res. 1269, U.N. SCOR, 54th Sess., 4053d mtg. U.N. Doc. S/RES/1269 (1999); Resolution 1373, *supra* note 5; Resolution 1377, *supra* note 5; Resolution 1452, *supra* note 29; Resolution 1455, *supra* note 29; Resolution 1456, *supra* note 29.

force vested in sovereign States under the classical definition of international relations. To combat terrorism, it is therefore necessary to identify terrorists and terrorist groups as individual criminals with networks of organized crime. It is necessary to institutionalize cooperation among States to share intelligence and exchange information on the whereabouts, communications, and planning activities of known terrorists. It is imperative to improve transnational apparatuses to detect, monitor, and control their cross border movements and money transfers; to freeze their assets and sources of funding; to locate and dismantle, if necessary by the use of force, their training camps and safehouses.

Where they have combined and pooled their technological and human intelligence resources, Member States have achieved tangible successes in the surveillance, deterrence, and capture of terrorists and terrorist cells. In fact, the United States' success in capturing many of the high-level Al-Qaeda leaders and operatives was indeed possible through joint operations and initiatives with countries including, but not limited to, Pakistan, Saudi Arabia, Morocco, Germany, France, and the United Kingdom. Such international cooperation can also enhance individual and collective efforts to build up defenses, detection capacities, and response capabilities at home and abroad.

While each State retains the inherent right of self-defense,³⁶ the global threat of terror requires strong multilateral institutions to harness international will and resources, ensure coherent decision-making, and enable effective enforcement action. The threat of nuclear terrorism, in particular, requires transparent inspection, verification, and safeguards regimes in order to secure nuclear materials, halt proliferation activities, and ensure the legal and peaceful uses of nuclear technology. While not perfect, the United Nations system and the regional arrangements are indispensable allies in this effort.

V. CONCLUSION: WINNING THE WAR AGAINST AL-QAEDA

The moral underpinnings of an effective counter-terrorism strategy require the reaffirmation of the distinction between combatants and non-combatants both in the conduct of the war against terrorism and in arriving at a general definition of terrorism. The legality of the use of force must be measured not only in its motivation but also in its execution. The massive loss of civilian life is reprehensible whether callously disregarded as "collateral damage" or viciously intended as the target of a terrorist act. The thousands of civilians

³⁶ U.N. CHARTER ch. VII, art. 51.

killed in Afghanistan and Iraq were as innocent as the 3000 civilians murdered in the United States on September 11 and must be counted as victims, albeit of a different crime. Attacks on military targets, be they active combatants of a regular army, an occupying force, or a militant insurgency, cannot be legally or morally equated with attacks on civilians and civilian populations centers. Reinforcing principles of international humanitarian law will serve to consolidate international efforts to combat the scourge of terrorism. When neither side can use the atrocities of the other to justify their own, the primacy of the rule of law can deepen understanding among civilizations in the mutual search for peace and justice.

To that end; the international community must seriously address, and if possible resolve, the global issues and regional conflicts that plague the international system. The fight against Al-Qaeda, in particular, requires a full grasp of the grievances which drive Osama bin Ladin's self-proclaimed "jihad" against the foreign occupation of Arab and Muslim lands and his aspirations to replace what he perceives to be dynastic and corrupt regimes in the region with ultra-fundamentalist Wahabi rulers. While many share his contempt for the current regimes in the region and his objection to Israeli occupation of the West Bank and Gaza, his outrage against the sanctions against Iraq, and his opposition to the United States' presence in the Persian Gulf, few embrace the despicable means by which he has chosen to achieve his unacceptable bid for power. While the heinous acts of the terrorists who purport to act in vindication of those who are aggrieved by the perceived failures and injustices of the international system cannot be justified, the resolution of the issues and conflicts which the international system has thus far been unable to address would serve to deprive the terrorists of the ability to manipulate and harness the support and sympathy of those so aggrieved.

In order to successfully and effectively combat the scourge of terrorism, it is necessary to achieve a common definition and perception of the terrorist threat, and punish the planners, sponsors, and perpetrators of their terrorist acts. The latter requires the legitimacy of concerted and internationally authorized action, the stability of necessary but gradual democratic reforms, and the nobility of bringing an end to foreign occupation and enshrining the self-determination of the recognized peoples of the world.

In the absence of proof of the existence of weapons of mass destruction or other threats emanating from Iraq, the invasion of Iraq cannot be justified as self-defense under Article 51 of the Charter of the United Nations. Having been waged without Security Council authorization and against the will and without the support of the majority of the international community, the war in

Iraq contravenes the primacy of the role of the Security Council in the maintenance of international peace and security and the obligation of Member States, under Article 2(4) of the Charter, to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State."³⁷ In failing to restore security, maintain law and order and ensure the wellbeing of the Iraqi people, the United States and the United Kingdom proved unable or unwilling to fulfill their obligations as occupying powers. The war in Iraq illustrated that an attack on the values of civilized nations can be waged more fully by their intended "defenders" than by their would be opponents. The unprovoked invasion and subsequent occupation of Iraq further fueled the anti-Western sentiment and deepened the mistrust between civilizations on which Al-Qaeda's propaganda and recruitment feeds. In so doing, the war in Iraq has undermined and arguably sabotaged the global war on terrorism. For, to successfully and effectively combat terrorism, the international community must be empowered to restore peace and security through common and collective efforts, dedicated to dialogue among civilizations, and committed to achieving security without sacrificing human rights, humanitarian principles, and the rule of law.

³⁷ U.N. CHARTER art. 2(4).