

RECALIBRATING THE WAR ON TERROR BY ENHANCING DEVELOPMENT PRACTICES IN THE MIDDLE EAST

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INTRODUCTION

Terrorism has existed in various forms for hundreds of years. Only recently, with the attacks on the United States, Spain, and the United Kingdom, has the awareness of terrorism in the Western world intensified. While attacks considered terrorist-based occur on a surprisingly frequent basis, these three attacks stand out prominently as the starting point for a new era in global relations.

Terrorist attacks are detrimental to the political, financial and social economy, both locally and globally. Such attacks force a greater percentage of public funds to be diverted to national defense. Accordingly, those funds cannot be used to directly benefit the economies of the world. Identifying methods to secure a reduction in the frequency of terrorist attacks is, therefore, in the best interests of all States that benefit from the global economy.

The United States was attacked in 2001 by a group of terrorists hailing largely from Saudi Arabia.¹ The alleged mastermind behind the attack, Osama bin Laden, was said to be stationed in Afghanistan shortly thereafter.² In retaliation for the attack, the United States sought to strengthen United Nations Security Council sanctions

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1. See Paul Salopek, *Terrorism Finds Foot Soldiers in Saudis*, CHI. TRIB., Oct. 7, 2001, at C1.

2. See Edward Cody & Molly Moore, *Bomb Kills Four Afghan Civilians*, WASH. POST, Oct. 10, 2001, at A14.

against Afghanistan³ and, after Afghanistan's refusal to extradite Osama bin Laden to the United States, took military action to find and bring bin Laden to the United States for trial.⁴

The United States' invasion of Afghanistan was authorized by the United Nations⁵ and began in 2002, leading to the overthrow of the Taliban government. Bin Laden remained at large. In a collateral effort to democratize the country, the United States spearheaded the implementation of a new government in Afghanistan to fill the void left by the removal of the Taliban.⁶ Combat operations continue to this day in Afghanistan as pro-Taliban forces attempt to regain ruling power.⁷

In 2003, the United States intensified its efforts to reduce the risk of terrorist attacks by preemptively striking targets in Iraq under the belief that Iraq was harboring nuclear weapons and possibly Al Qaeda terrorists.⁸ Unlike the war in Afghanistan, international support was severely limited for this invasion.⁹ After invading, the United States captured the former leader, Saddam Hussein, and again implemented a new form of government.¹⁰

The U.S.-led actions in Afghanistan and Iraq have been justified by the current administration as measures necessary to reduce terrorism.¹¹ This justification, however, gives rise to several important

3. See Press Release, Security Council, Security Council Continues Sanctions Against Usama Bin Laden, Al-Qaida Organization, Taliban, U.N. Doc. SC/7274 (Jan. 17, 2002), available at <http://www.unis.unvienna.org/unis/pressrels/2002/sc7274.html> (discussing Resolution 1390, which extended sanctions against the Taliban and Osama Bin Laden in Afghanistan).

4. See David L. Greene & Tom Bowman, *U.S. Lashes Back*, BALT. SUN, Oct. 8, 2001, at 1A.

5. See William C. Smith, *Legal Arsenal: International Law Can Be an Important Element in the United States' Campaign Against Terrorism*, A.B.A. J., Dec. 2001, at 42, 44.

6. See generally UNITED STATES AGENCY OF INTERNATIONAL DEVELOPMENT, USAID/AFGHANISTAN STRATEGIC PLAN 2005-2010 (2005), available at http://www.usaid.gov/locations/asia_near_east/afghanistan/Afghanistan_2005-2010_Strategy.pdf.

7. See Tom Regan, *Violence Increasing in Afghanistan*, Jan. 17, 2006, <http://www.csmonitor.com/2006/0117/dailyUpdate.html>.

8. See George W. Bush, Address to the Nation (Mar. 17, 2003), available at <http://www.whitehouse.gov/news/releases/2003/03/20030317-7.html> (discussing Iraq's weapons of mass destruction and ties with terrorists in his explanation for the U.S. attack on Iraq).

9. See Allison Ehlert, *Iraq: At the Apex of Evil*, 21 BERK. J. INT'L L. 731, 757-66 (2003).

10. See, e.g., Sean D. Murphy, *Contemporary Practice of the United States Relating to International Law: Use of Force and Arms Control: Turmoil in Iraq, Transitional Agreements, and the Capture of Saddam Hussein*, 98 AM. J. INT'L L. 169, 190-93 (2004); see also Dilip Hiro, *Iraq: Life after the Constitution*, Oct. 20, 2005, <http://yaleglobal.yale.edu/display.Article?id=6395>.

11. See George W. Bush, Speech on Promoting Democracy (Oct. 25, 2004), available at http://www.cfr.org/publication/7472/speech_on_promoting_democracy.html [hereinafter Bush Speech on Promoting Democracy].

questions. Is military intervention in the Middle East the most effective method for reducing the possibility of terrorist attacks? Are efforts at regime change in the Middle East decreasing the number of terrorist attacks on foreign targets? Finally, is forced democratization an effective and sustainable method for curtailing terrorist attacks?

This Article begins with an exploration of the literature surrounding the U.S.-led war on terror. Part I examines justifications for the war by considering the claim that democratization yields economic development and then examines whether there is a link between forced democratization and a reduction in terrorism. Part II sets forth the research questions to be answered in the analysis of this literature and data. Part III briefly describes the methodology to be used in answering the research questions. Part IV analyzes at length the assertions that democracy is related to a reduction in terrorism and to economic growth. Finally, the Article concludes that the war on terror is leading to an increase in the number of terrorist attacks against foreign targets and that sustainable development practices would be more effective in curtailing terrorist proliferation.

I. LITERATURE REVIEW

A. Linkage Between Democracy and Economic Growth

Current foreign policies in the West have not often formally recognized the need for greater work toward democracy in the Middle East. President Bush recently spoke about this at the United Nations, claiming that democracy “requires building the institutions that sustain freedom.”¹² Yet the freedom of which President Bush spoke is the same freedom that he contends will “change the conditions that allow terrorists to flourish and recruit[.]”¹³ This link between spreading democracy and suppressing terrorism is a major justification for the war being waged in the Middle East.¹⁴

The democratization process in the early United States, largely an internal rather than external process, evolved over a long period of

12. George W. Bush, Address to the United Nations High-Level Plenary Meeting (Sept. 14, 2005), *available at* <http://www.whitehouse.gov/news/releases/2005/09/print/20050914.html> [hereinafter Bush Address to the U.N.].

13. *Id.*

14. *See, e.g.*, Francis Fukuyama, *After Neoconservatism*, N.Y. TIMES MAG., Feb. 19, 2006, at 62.

time and involved numerous challenges to its efficacy.¹⁵ Substantial inequalities among states, a civil war, and discriminatory voting practices in U.S. history make it clear that democracy does not develop easily. Rejections of liberal democracy from Iraq to Venezuela to Indonesia are a reflection of the fact that the benefits of democracy are often delayed beyond the threshold of citizen patience. Amy Chua of Yale Law School finds that the basis for this disenchantment may lie in the fact that the market democracy promoted by the West is not the same as that practiced by the West.¹⁶

David Gillies reviewed the evidence supporting linkages between democracy and development and found it “ambiguous, at best.”¹⁷ He found that, instead of promoting democracy, encouraging good governance could yield more productive results for development:

If the relationship between democracy and economic development is empirically open-ended and indirect, at best, then donors may need to consider how their democracy, rights and governance programs are justified. Instead of an “all good things go together” approach, donors could consider less lofty approaches that focus on the enabling conditions for growth and development. These include promoting accountability, transparency, and a predictable set of rules to govern economic interactions and public policy.¹⁸

Fareed Zakaria contends that building a democracy is a long-term process, and that we should refrain from anticipating final results while still in the initial stages.¹⁹ He distinguishes democracy from “constitutional liberalism” by defining democracy as the process of selecting governments, and constitutional liberalism as the protection of liberty through rule of law.²⁰ In other words, it is constitutional liberalism, not the democratic process, that protects a people from authoritarian government and preserves the freedom to act. Zakaria’s conception of constitutional liberalism involves not only traditional democratic values, but also individual liberty, rule of law, and freedom from coercion.²¹

15. See *The People’s Road: American Democracy*, ECONOMIST, Oct. 29, 2005, at 88 (book review).

16. See AMY CHUA, *WORLD ON FIRE* 13 (2003).

17. David Gillies, *Democracy and Economic Development*, in IRPP POL’Y MATTERS, Apr. 2005, at 8, 21.

18. *Id.* at 24.

19. FAREED ZAKARIA, *THE FUTURE OF FREEDOM: ILLIBERAL DEMOCRACY AT HOME AND ABROAD* 156 (2003).

20. *Id.* at 18-19.

21. Fareed Zakaria, *The Rise of Illiberal Democracy*, FOREIGN AFF. July/Aug. 1997, 22, 25-27 (“[Constitutional liberalism is] the tradition, deep in Western history, that seeks to

Elections have been held in both Afghanistan and Iraq since the United States intervened. The high voter turnout and seemingly legitimate process was hailed by the international community as a success.²² But do elections signify stability or progress? Jane Boulden contends that “[e]lections act as a functional indication of a milestone in the peace process, providing the international community with evidence of change. They are not, however, reliable indicators of real progress, in either democratization or the establishment of peace.”²³

Terry Lynn Karl at Stanford argues that merely holding elections does not constitute a sign of regime change; they must be fair and open and accompanied by the “liberalization of authoritarian rule” and the creation of a civil society. “Equating democracy with the mere holding of elections or assuming that such elections will subsequently generate further and deeper democratic reforms down the line commits ‘the fallacy of electoralism.’”²⁴ Referring to Zakaria’s notion of illiberal democracies, Karl warns that “excessive minimalism,” including superficial changes in leadership, elections, and new constitutions and policies, may in fact be simply a shift from one type of autocracy to another.²⁵

Francis Fukuyama examines the linkage between democracy and economic development by comparing once popular ideas of rigid, authoritarian institutional reforms with modern movements toward democracy as “an object of development in itself and a means toward economic growth.”²⁶ Fukuyama finds democratic countries often perform better in times of political and economic crises due to their greater degree of legitimacy and stability; however, he finds a weak empirical relationship between democracy and development, arguing

protect an individual’s autonomy and dignity against coercion, whatever the source—state, church, or society. The term marries two closely connected ideas. It is *liberal* because it draws on the philosophical strain, beginning with the Greeks, that emphasizes individual liberty. It is *constitutional* because it rests on the tradition, beginning with the Romans, of the rule of law.”)

22. See *Afghanistan Officials Call Election a Success* (NPR radio broadcast Sept. 19, 2005) (transcript on file with the author); *EU Delegation Calls Afghan Elections “Free, Fair and Transparent”*, BBC MONITORING INT’L REP., Sept. 19, 2005.

23. Jane Boulden, *Democracy and Peace-Building*, IRPP POL’Y MATTERS, Apr. 2005, at 29, 43.

24. Terry Lynn Karl, *From Democracy to Democratization and Back: Before Transitions from Authoritarian Rule*, CDDRL WORKING PAPERS, Sept. 2005, at 3, 7 (emphasis omitted) (internal citations omitted).

25. *Id.* at 8.

26. FRANCIS FUKUYAMA, *STATE-BUILDING: GOVERNANCE AND WORLD ORDER IN THE 21ST CENTURY* 28 (2004).

there is little support for either authoritarian or democratic rule as consistent with growth.²⁷

Mahmood Monshipouri suggests that democracy is not only disconnected from economic development, but that it also may lead to worsening economic situations. For example, in examining the deregulation and privatization of firms in Latin America, Monshipouri contends that poverty has increased, inequalities have grown wider, and crime has risen as a result of democracy.²⁸

Arunabha Bhoomik, writing in the *Denver Journal of International Law and Policy*, recently postulated that the war on terror is ignoring the underlying causes of terrorist proliferation and thereby “exacerbating the terrorist threat.”²⁹ These underlying causes are certainly worth examining,³⁰ but the key to understanding why terrorist activity continues to intensify may have more to do with the exacerbating factors of military intervention.

B. Forced Democratization and Terrorist Proliferation

Jason Brownlee of the Stanford Center on Democracy, Development and the Rule of Law, contends that forced democratization and foreign state building fail to recognize the rigidity of local institutions and the potentially detrimental responses of locals.³¹ Using the example of U.S. intervention in Central America, Brownlee points out that military intervention failed to develop a single true democracy in the region—Costa Rica is the only Central American nation to form a democracy, and the United States never intervened there.³² Brownlee concludes that in order for foreign intervention to succeed, it must be “downsized not supersized.”³³ He suggests that “[t]he failures of imposed regime change lead to the conclusion that indigenous gradual political development—with all of its potential for authoritarianism and civil

27. *Id.*

28. Mahmood Monshipouri, *Promoting Universal Human Rights: Dilemmas of Integrating Developing Countries*, 4 *YALE HUM. RTS. & DEV. L.J.* 25, 31 (2001).

29. Arunabha Bhoomik, *Democratic Responses to Terrorism: A Comparative Study of the United States, Israel, and India*, 33 *DENV. J. INT’L L. & POL’Y* 286 (2005).

30. See, e.g., Kevin J. Fandl, *Terrorism, Development & Trade: Winning the War on Terror Without the War*, 19 *AM. J. INT’L L.* 587 (2004).

31. Jason Brownlee, *Imperial Designs, Empirical Dilemmas: Why Foreign-Led State Building Fails*, CDDRL WORKING PAPERS, June 2005, at 10.

32. *Id.* at 13.

33. *Id.* at 34.

unrest—could be the optimal path for sustainable democratization and statebuilding.”³⁴

In a comprehensive and thought-provoking new book, *World on Fire: How Exporting Free Market Democracy Breeds Ethnic Hatred and Global Instability*, Amy Chua of Yale University Law School postulates that free markets and democracy favor market-dominant minorities at the expense of competing ethnic groups, creating envious factions and hatred.³⁵ Interestingly, Chua draws attention to the fact that the type of democracy being promoted by the West is significantly distinct from the type of democracy that exists in developed countries today.³⁶ The long-term, often difficult democratization model utilized by the West has been replaced by the quick-fix package of democratization exported to many developing countries today. The sustainability of recent democratization efforts by the West remains to be seen.

F. Gregory Gause III recently argued in *Foreign Affairs* that the answer to the Middle East violence problem may not lie in immediate democratization but rather in long-term solutions that require regular U.S. assistance.³⁷ He refers to the 2003 State Department report, *Patterns of Global Terrorism*,³⁸ and concludes that over half of the 2003 terrorist attacks in non-free countries occurred in Iraq and Afghanistan, despite the heralding of recent elections in both of those countries.³⁹ He asserts that foreign intervention in its current manifestation may not be achieving its goal of reducing terrorist attacks.⁴⁰

Thomas Carothers suggests that the idea of democracy promotion as a solution to Islamic fundamentalism is “badly oversimplified and potentially misleading as a policy credo.”⁴¹ He finds that the Middle East is generally skeptical of Western efforts to democratize their region, and the leaders believe that “democracy

34. *Id.* at 37.

35. CHUA, *supra* note 16, at 9.

36. *Id.* at 13.

37. F. Gregory Gause III, *Can Democracy Stop Terrorism?*, FOREIGN AFF., Sept./Oct. 2005, at 62, 74-76.

38. U.S. DEP'T. OF STATE, PATTERNS OF GLOBAL TERRORISM 2003 (2004) [hereinafter PATTERNS OF GLOBAL TERRORISM].

39. Gause, *supra* note 37, at 66.

40. *Id.* at 63.

41. Thomas Carothers, *Democracy's Sobering State*, 103 CURRENT HIST., 412, 415 (2004), available at <http://www.carnegieendowment.org/pdf/CurHistTC.pdf>.

would likely unleash radical forces that could be harmful to both the region and the West.”⁴²

The cultural makeup of the Middle East may also be contributing to the poor prospects for democratization and a reduction in violence against foreign forces. Jane Boulden argues that, where a significant gap exists between an outsider, market-dominant minority and a poor, destitute majority, democratization can act as an opportunity for the poor to “take back” what is rightfully theirs. “Rather than being conducive to peace, therefore, democratization can contribute to conflict.”⁴³

Jennifer Moore argues that the problems of poverty and underdevelopment in the Middle East have been compounded by the war on terror, and that the substantial reliance on military force as opposed to alternative means of fighting terrorism “potentially feeds ongoing conflicts rather than repressing them.”⁴⁴ The poverty and underdevelopment that existed in the Middle East prior to recent foreign intervention may have been exacerbated by the military actions against Afghanistan and Iraq.

Some members of the international community, while supportive of U.S. efforts in the war on terror in many respects, believe that the war is actually increasing terrorism. A 2004 Pew Research Center study that surveyed French and German attitudes toward the war on terror found that a majority of people “believed that the Iraq war had undermined the struggle against terrorists and doubted the Bush Administration’s sincerity in trying to combat terror.”⁴⁵ Lakdhar Brahimi, the United Nations Special Envoy to Iraq, stated in April 2004 that “there is no military solution to the problems [in Iraq], and that the use of force, especially the excessive use of force, makes matters worse and does not solve the problem.”⁴⁶

Daniel Benjamin, Senior Fellow at the Center for Strategic and International Studies, and Steven Simon of Georgetown University recently asserted that the U.S. invasion of Iraq increased the number

42. *Id.* at 416.

43. Boulden, *supra* note 23, at 36.

44. Jennifer Moore, *Collective Security with a Human Face: An International Legal Framework for Coordinated Action to Alleviate Violence and Poverty*, 33 DENV. J. INT’L L. & POL’Y 43, 43 (2004).

45. Susan Sachs, *Poll Finds Hostility Hardening Toward U.S. Policies*, N.Y. TIMES, Mar. 17, 2004, at A3.

46. John F. Burns, *Iranians in Iraq to Help in Talks on Rebel Cleric*, N.Y. TIMES, Apr. 15, 2004, at A1.

of Jihadists, thereby increasing the long-term threat of terrorism.⁴⁷ “It is simply no longer possible to maintain that the United States is winning the war on terror.”⁴⁸ They find that military intervention is often a poor preventative measure against terrorism because the military is ill-equipped to address the modus operandi of terrorists.⁴⁹ The idea of democratizing the Middle East is good, they suggest, but unlikely to succeed without the social, economic, and demographic conditions necessary for sustainability.⁵⁰ They conclude that broad reforms and a stronger international coalition are the most effective solution to the current quagmire.⁵¹

Democracies are few and far between in the Middle East.⁵² Among the non-democratic countries, attempted transitions to democracy have largely resulted in a nebulous state between authoritarianism and democracy. Elections are often held with the winner already decided, only partial privatization has been implemented, and measures taken to appease the international community have been mere gestures.⁵³ In her recent book, *Terror in the Name of God*, Jessica Stern argues that democracy is not the most effective way to fight terrorism. She suggests that popularly elected parties in some countries are sympathetic to terrorist actors. To support this, she posits the examples of Algeria, where the Islamic party took power democratically after a drop in oil prices; Pakistan, where the Islamic party that considers the Talibanization of Pakistan a priority, took substantial parliamentary seats in the 2002 election as a result of the Pakistani government’s support for the war on terror; and Turkey, where an Islamic party took 363 of the 550 parliamentary seats in the 2002 elections.⁵⁴

47. DANIEL BENJAMIN & STEVEN SIMON, *THE NEXT ATTACK: THE FAILURE OF THE WAR ON TERROR AND A STRATEGY FOR GETTING IT RIGHT* xiv (2005).

48. *Id.* at 126.

49. *Id.* at 198.

50. *Id.* at 200.

51. *Id.* at 197-208.

52. According to the Freedom in the World 2005 index, of the eighteen Middle Eastern countries identified in that index, seventeen are partly or completely not free (Israel being the single exception). FREEDOM HOUSE, *FREEDOM IN THE WORLD 2005* (2005), available at <http://www.freedomhouse.org/template.cfm?page=15&year=2005>.

53. See, e.g., THOMAS CAROTHERS & MARINA OTTAWAY, *The New Democracy Initiative*, in *UNCHARTED JOURNEY: PROMOTING DEMOCRACY IN THE MIDDLE EAST* 3, 8 (2005); ZAKARIA, *supra* note 19, at 98-99.

54. JESSICA STERN, *TERROR IN THE NAME OF GOD* 287-88 (2003).

Fighting this growth in Islamic fundamentalism might be done more effectively through enhanced development practices that allay these inequities, provide the anticipated benefits of democracy, and offer alternative outlets to voice grievances. Research suggests that citizens disgruntled with a lack of equality and social services are more likely to explore non-democratic outlets for change, including terrorism, if they live within an autocracy, a faltering neo-liberal democracy, or a fragile developing democracy.⁵⁵

Groups that target the West for their ills grow more powerful politically and economically as a result of this rise in dissatisfaction with democracy. Violent Western-led responses to terrorist attacks against foreign targets have tended to increase support for terrorist groups. For instance, the United States' violent military response to the terrorist attacks on U.S. embassies in Africa was ironically cause for celebration among terrorists, as it motivated disparate groups to band together; the U.S. action unwittingly strengthened the terrorist movement.⁵⁶

II. RESEARCH QUESTIONS AND HYPOTHESIS

Although wars are often accompanied by elaborate plans of attack and engagement, as well as clear targets and goals, the war on terror is conspicuously absent of any of these.⁵⁷ It might be said that the goal of the war effort is a significant reduction in terrorist activity, since complete prevention is unrealistic. Reducing the possibility of terrorist attacks would certainly restore a layer of global security that has begun to erode. Accordingly, with this goal in mind, plans can be derived and measured in terms of how likely they are to achieve this goal. Recent efforts led by the United States to reduce terrorist proliferation have involved regime changes, bombing campaigns, occupation, and most recently, forced democratization. How successful are these efforts at reducing the possibility of terrorist attacks? Are they having the intended impact on the target population?

The null hypothesis to be tested in this research Article can be stated as follows: forced democratization of the Middle East, that is,

55. See, e.g., Carlos Fortin, Officer-in-Charge, United Nations Conference on Trade & Development [UNCTAD], Statement to the United Nations Economic and Social Council: High-Level Segment (Jun. 29, 2005), <http://www.un.org/docs/ecosoc/meetings/2005/hl2005/Fortin.pdf>.

56. STERN, *supra* note 54, at 289.

57. See, e.g., BENJAMIN & SIMON, *supra* note 47, at 186-87.

democratization accompanied by military or other threatening means (measured by type and level of Western involvement in the Middle East), will reduce the likelihood of terrorist attacks against foreign targets. Accordingly, a rise in the level of foreign involvement in the operation of a Middle Eastern State should result in a decreased number of terrorist attacks against foreign targets, either in the country of involvement or abroad.

In the alternative, this Article suggests that increased foreign military involvement in the Middle East is not positively correlated with a decreased number of terrorist attacks against Western targets. Further, based on the limited evidence gathered, this Article proposes that increased foreign military involvement in the Middle East is in fact leading to an increase in the likelihood of terrorist attacks on foreign targets.

This hypothesis will be tested by examining foreign engagement in the Middle East using statistical data primarily gathered from the World Bank, the U.S. Department of State, Freedom House, and the National Counterterrorism Center.

III. METHODOLOGY

Hostilities in the Middle East inhibit the collection of a comprehensive set of data that would best serve the analytical goals of this Article. For example, a complete survey might include current levels of terrorist activity and proliferation across the Middle East, concentration of foreign troops across Iraq and Afghanistan, and updated numbers of foreign contractors operating in Iraq and Afghanistan. However, existing data on levels of U.S. troop involvement in Iraq, the number of terrorist attacks on foreign targets, and the number of significant regional attacks by Islamic terrorist organizations, prove to be strong indicators of the progress being made in the Middle East. These indicators enable reasoned conclusions to be drawn and recommendations to be made.

Data expressing a linkage between terrorist activity and U.S. involvement in the forced democratization of the Middle East are calculated by comparing the type and level of Western involvement in the Middle East with the number of terrorist attacks led by Islamic militants in all parts of the world and the level of coalition troop fatalities. The resulting data reveal a significant rise in the number of worldwide terrorist attacks and coalition troop fatalities since the U.S.-led invasion and forced democratization of Iraq and Afghanistan.

IV. ANALYSIS AND RESULTS: EFFECTIVE DEVELOPMENT PRACTICES IN THE MIDDLE EAST

Throughout the Middle East, there is significant support for the idea that U.S.-led imperialists are imposing their Western values, economics, and politics on an otherwise stable and peaceful society.⁵⁸ In the United States, the belief espoused by the Bush Administration is that democracy is a necessary and lacking institution in the Middle East that will keep the West safe from terrorism.⁵⁹ Yet stories throughout Western newspapers report that terrorist attacks are on the rise and that the death toll in the “war on terror” is growing.⁶⁰ In the Middle East, tensions are growing rapidly, and discontent with American occupation is leading new terrorist cells to emerge in response.⁶¹ The question then becomes, is the U.S.-led effort to stunt terrorism with democratization having the reverse effect? Is the war on terror creating more terror?

A. Linkage between Democracy and a Reduction in Terrorism

In Iraq, the Bush Administration openly pursued a strategy of “regime change” as its motivation for war because the regime was withholding necessary information regarding its nuclear weapons proliferation.⁶² After invading and discovering no such weapons,

58. See, e.g., Sachs, *supra* note 45 (discussing the recent Pew Research Center for the People and the Press poll showing a high degree of ill will and distrust for foreign interveners in the Middle East); Steven A. Cook, *The Right Way to Promote Arab Reform*, FOREIGN AFF., Mar./Apr. 2005, at 91 (concluding that while democracy is welcomed in the Middle East, militarized delivery of democracy is resisted).

59. See Bush Speech on Promoting Democracy, *supra* note 11 (discussing the long-term security that will result from democratization of the Middle East).

60. See, e.g., Tom Regan, *Global Terror Attacks Tripled in 2004*, Apr. 28, 2005, <http://www.csmonitor.com/2005/0428/dailyUpdate.html> (discussing the dramatic increase in the number of terrorist attacks in 2004); Michael A. Fletcher, *2000th Death Marked by Silence and a Vow*, WASH. POST, Oct. 26, 2005, at A13 (reflecting on the more than 2,000 U.S. soldiers that have died in Iraq hostilities); *Iraq Body Count*, <http://www.iraqbodycount.net/> (last visited March 27, 2006) (suggesting that at least 37,000 civilians have died since the start of the Iraq war).

61. See Mike Boettcher, *Al Qaeda Forming New Cells Worldwide*, Jul. 31, 2002, <http://archives.cnn.com/2002/US/07/31/al.qaeda.super.cells/> (describing the spread of terrorist “super cells” across North Africa and Southeast Asia).

62. See John Yoo, *International Law and the War in Iraq*, 97 AM. J. INT’L L. 563, 563 (2003) (citing President George W. Bush’s 2002 speech before the United Nations in which he justified “the possible use of force against Iraq as necessary to enforce existing Security Council resolutions and to eliminate a dangerous threat to international peace and security”).

fighting terrorism became the central focus.⁶³ This was a logical next step since terrorists had largely overrun Iraq after the existing regime was removed and stood in the way of the Administration's efforts to establish a democratic system of governance.⁶⁴

The view taken by the United States, that forced democracy will eliminate terrorism, is limited in international support.⁶⁵ In the Arab world, ruling elites do not favor the use of democracy to eliminate Islamic extremism.⁶⁶ As one scholar put it, "democracy—imported at the tip of an M-16 rifle—is looking less and less appealing to many Arabs."⁶⁷ The story is the same in the non-Arab world where support for the invasion was weak and support for the occupation weaker.⁶⁸

Regime change is a goal that is distinct and incompatible with the goal of reducing terrorism. In order to achieve some semblance of success with regime change, an intervener must play party politics by working with the various social and ethnic groups within a country.⁶⁹ This includes working with extremist groups that may find an outlet in the democratic process (at least initially). "Especially in violent settings, democracies are not built by democrats alone and they are not always built by democratic means."⁷⁰ Poor strategic planning and coordination may result in an unsustainable democracy as well as a rise in terrorist activity.⁷¹

More than two years have passed since Iraq was invaded and a stable, legitimate government has not yet been established. A constitution was prepared and an interim ruling parliament elected, but these are merely icons of a system that has no roots in the Middle East. They are symbolic to the democratic world because they mirror staple democratic mechanisms in the West. However, these events,

63. See *Bush Aides Defend War*, CBS NEWS, Mar. 14, 2004, <http://www.cbsnews.com/stories/2004/03/18/iraq/main607182.shtml>.

64. See Bush Address to the U.N., *supra* note 12.

65. See Yochi J. Dreazen, *U.N. Report Extols Democracy for Mideast but Criticizes U.S.*, WALL ST. J., Apr. 6, 2005, at A4 (discussing a recent U.N. report finding that democratic values are essential for the region but that the U.S. efforts are "complicating efforts to bring those values about").

66. Carothers, *supra* note 41, at 416.

67. Cook, *supra* note 58, at 96.

68. See, e.g., Sachs, *supra* note 45.

69. See CHUA, *supra* note 16, at 274 (arguing that the United States must not promote "unrestrained, overnight majority rule" where market dominant minorities exist but rather should ensure judicial and constitutional safeguards to allow for the gradual development of the democratizing country).

70. Karl, *supra* note 24, at 33.

71. *Id.*

while important, are not indicative of a sustainable, lasting, or peaceful democracy.

The level of foreign troop involvement in Iraq is reflective of the role that outsiders play in Iraqi daily life. U.S. troops patrolling streets and performing regular raids of potential terrorist locations give the impression that the occupiers are in control of Iraqi security. Although coalition troop levels have decreased slightly overall since the start of the war, the number of U.S. troops has remained relatively constant over time, albeit subject to fluctuation.⁷² The number of coalition troop fatalities, however, has increased since the start of the war, totaling over 2,000 to date (see Table 1, below).

Table 1a: Terrorist Attacks on and Fatalities of Coalition Troops in Iraq by Year (2003-2005)

IRAQ	2003	2004	2005
Troop Level (Coalition) ⁷³	160,505	159,250	169,400
Number of Fatalities ⁷⁴	579	905	897
Percent of Total	0.36%	0.57%	0.53%

Table 1b: Troop Levels and Fatalities of Coalition Troops in Afghanistan by Year (2002-2005)⁷⁵

IRAQ	2002	2003	2004	2005
Troop Level (Foreign)	10,900	14,800	26,480	27,371
U.S. Military Fatalities	60	12	43	75
Percent of Total	.55%	.08%	.16%	.27%

72. Note that the number of coalition troops has remained approximately 23,000, while the number of U.S. troops ranged from a low of 115,000 in February 2004 to a recent high of 160,000 in December 2005. The most recent data shows 133,000 U.S. troops were in Iraq in February 2006. See IRAQ INDEX: TRACKING VARIABLES OF RECONSTRUCTION & SECURITY IN POST-SADDAM IRAQ (Brookings Institution, Wash., D.C.), Mar. 30, 2006, at 20, <http://www.brookings.edu/iraqindex> [hereinafter IRAQ INDEX].

73. *Id.* The troop levels given above are average figures calculated from the monthly data provided in the Index.

74. See Iraq Coalition Casualty Count, <http://www.icasualties.org/oif> (last visited Mar. 18, 2006).

75. See BROOKINGS INSTITUTION, AFGHANISTAN INDEX: TRACKING VARIABLES OF RECONSTRUCTION & SECURITY IN POST-TALIBAN AFGHANISTAN 4-6 (2005), available at <http://www.brookings.edu/fp/research/projects/southasia/afghanistanindex.htm>. The troop levels given above are average figures calculated from the monthly data provided in the Index.

**Table 2: Number of Daily Attacks
by Insurgents in Iraq by Year (2003-2005)⁷⁶**

IRAQ	2003	2004	2005
Number of Daily Attacks	142	587	855
Number of Coalition Fatalities	437	905	894
Average Number of Fatalities per Attack	3.08	1.54	1.05

The table below represents the number of significant terrorist attacks annually from 1998 through 2004.⁷⁷ In 2004, however, the Bush Administration chose to withhold this statistical information to avoid giving the impression that the United States was losing the war on terror.⁷⁸ The members of the U.S. Congress subsequently pressured the National Counterterrorism Center (NCC) to release the actual 2004 statistics, which they did (see Table 3).

Table 3: Significant Terrorist Attacks (1998-2004)⁷⁹

Year	1998	1999	2000	2001	2002	2003	2004 ⁸⁰
Number of Attacks	274	395	426	355	198	190	651

76. See IRAQ INDEX, *supra* note 72, at 5, 7-8, 22. Data for Afghanistan insurgent attacks is not currently available.

77. The actual number of total attacks is significantly higher (over 2,000 in 2004). Note that these numbers do not include the Iraqi civilians killed as a result of the war on terror, which the Brookings Institution estimates to be rising and around the level of 8,073–14,400 as of August 2005. *See id.* at 10.

78. See Susan B. Glasser, *U.S. Figures Show Sharp Global Rise in Terrorism*, WASH. POST, Apr. 27, 2005, at A1.

79. PATTERNS OF GLOBAL TERRORISM, *supra* note 38, at 176.

80. Terrorist attack data is not available from the State Department for 2004; the 2004 data displayed here was retrieved from the National Counterterrorism Center. *See* NAT'L COUNTERTERRORISM CTR., A CHRONOLOGY OF SIGNIFICANT INTERNATIONAL TERRORISM FOR 2004 81 (2005), available at http://www.tkb.org/documents/Downloads/NCTC_Report.pdf.

**Table 4: Terrorist Attacks by Region
(1998-2003) (Significant and Non-Significant)⁸¹**

	Africa	Asia	North America	Middle East	Western Europe	Eurasia	Latin America
1998-2003 Total Casualties	5,839	5,273	4,459	2,222	453	743	297
1998-2003 Total Attacks	171	458	6	172	213	93	725
Average Casualties per Incident	34.15	11.51	743.17	12.92	2.13	7.99	.41

The type of foreign involvement in the Middle East is highly indicative of the anticipated scope of response by opposition forces. By 2003, coalition forces in Iraq had shifted their attention to market stabilization,⁸² and by 2004-2005, they were focused on democratization.⁸³ The United States led the establishment of a new Iraqi Council in July 2003, which announced major market-oriented reforms in Iraq two months later.⁸⁴ Much of the year was spent stabilizing oil pipelines to spur production and subsequent export income for Iraq.⁸⁵ In November of that year, the United States took over the former United Nations Oil-for-Food program in Iraq. In 2004, the focus shifted toward the democratization of Iraq: June 2004 saw the official transfer of sovereignty from the U.S. Coalition Provisional Authority to the interim Iraqi government, which was followed by the official election in January 2005.

81. *Id.* at 177-78.

82. *See, e.g.*, ENERGY INFORMATION ADMINISTRATION, IRAQ ENERGY CHRONOLOGY: 1980- Nov. 2005 (2005), <http://www.eia.doe.gov/cabs/iraqchron.html> [hereinafter IRAQ ENERGY CHRONOLOGY] (indicating that in 2003, all sanctions against Iraq were lifted, up to 90% of oil wells were secured by coalition forces, and Iraq's leadership council announced free market reforms, permitting 100% foreign ownership of all sectors other than natural resources).

83. *See, e.g., id.* (discussing the transfer of sovereignty from the Coalition Provisional Authority to an interim Iraqi government in June, 2004).

84. *See* John B. Taylor, Under Sec'y of the Treasury for Int'l Affairs, Financial Reconstruction in Iraq (Feb. 12, 2004), *available at* http://www.iraqcoalition.org/pressreleases/20040212_taylor.html (discussing anticipated economic reform of Iraq's banking sector, currency, international debt and frozen assets).

85. For a chronology of oil-related events in Iraq, see IRAQ ENERGY CHRONOLOGY, *supra* note 82.

The type of United States' involvement in Iraqi affairs shifted from military engagement, to market stabilization (primarily through oil infrastructure protection),⁸⁶ to democratic reform (through sovereignty transfer, elections, and the attempt to draft a Constitution).⁸⁷ This process—from war to democracy—coincided with an increase in U.S. troop fatalities and an increase in worldwide terrorist attacks. While direct conclusions warrant substantially more data, which are currently unavailable due to the volatile situation in the region, a positive relationship can be seen between the type and level of involvement of foreign occupiers and the resulting level of terrorist activity.

B. Why Democracy Cannot Precede Effective Development in the Middle East

Immediate results are central to a policy of forced democratization. When Afghanistan held elections in 2004, the Bush Administration hailed this as a shining moment in their newly established democracy.⁸⁸ The same enthusiasm accompanied the transfer of power to the Iraqi interim authority in 2004 and the elections in 2005.⁸⁹ But regardless of whether these steps are a sign of democratic reform, they most certainly are not a reflection of the establishment of a legitimate, sustainable democracy. Democracy takes time to grow and develop, much like any social change. The literature reviewed indicates that an approach that counts on rapid democratization through military force is more likely to experience substantial cost-overrun and extended periods of engagement in the host country than an approach that fosters sustainable development while planting the seeds of democracy.

Promoting successful democracy as a rapid development will have two detrimental effects. First, citizens of the intervening country who wish to see a peaceful Middle East will initially support the intervention, but their support will wane once the costs of

86. *Id.*

87. *See, e.g.,* Bush Speech on Promoting Democracy, *supra* note 11 (arguing that the United States will gain long-term security if it promotes democracy in the Middle East); Bush Address to the U.N., *supra* note 12 (calling for elections and the building of institutions in Iraq).

88. Leta Hong Fincher, *The Roots of Terrorism* (Voice of America English Service radio broadcast Dec. 9, 2004) (transcript on file with author).

89. Michael White & Ian Black, *Iraq: The Handover: Bush and Blair in Sync as NATO Told of Transfer*, THE GUARDIAN, June 29, 2004, at 4; *see also* Peter Baker & Robin Wright, *In Iraqi Vote, White House Sees Vindication Of Its Course*, WASH. POST, Feb. 1, 2005, at A11.

intervention begin to mount without any significant progress being made toward peace in the Middle East. Second, the citizens of the host country may also be convinced that democracy will bring them the rapid benefits and growth seen in post-World War II Europe, East Asia, or other successful democratic transitions. When these benefits fail to materialize quickly, dissatisfaction with the intervening country will grow, and the citizens will be more likely to retaliate against the country's forces.

Democracy must be promoted as a long-term, slow-growth process with no expectation of yielding significant economic returns in the short-run. Peace and stability will result from the strengthening of institutions, independent judiciary, and effective administration of the government. Rule of law, regulatory reform, and educational investment, as well as other necessary sustainability factors, do not spontaneously arise from elections or a constitution; they require long-term capital investments and internal collaboration with minority and majority parties.⁹⁰

Democracies with nascent or transitional democratic structures, such as those in Latin America, are facing significant challenges to their sustainability when immediate anticipated benefits do not materialize. The long process of democratization, much like that of economic development, is a fragile, nurture-dependent process that yields limited returns, if any, in its formative years. Arguing that democracy is a justifiable basis for intervention, the solution to violent insurgency, and the goal for peace, is unrealistic and dangerous as a public policy.

Democracy can work in the Middle East, but it cannot take root in infertile soil. Democracies tend to promote values, such as freedom of speech and religion, the right to privacy and self-determination, that do not coincide with those found in most Middle Eastern States. These are fundamental democratic values that do not have any history in the Middle East.⁹¹ But this is not to say that they cannot be sown.

Clearly, “[p]reconditions matter a great deal for the survivability of democracy but not for the transition to it.”⁹² Democratization

90. See generally Gause, *supra* note 37.

91. See HUMAN RIGHTS WATCH, *Middle East and North Africa: Human Rights Developments*, in WORLD REPORT 2001 (2001), available at <http://www.hrw.org/wr2k1/mideast/index.html>.

92. Karl, *supra* note 24, at 11 (emphasizing the need to address human agency and the strategic calculations of actors to promote sustainable democracy).

throughout the developing world has succeeded where reform efforts began by developing the capacity to sustain an open, heterogeneous society.⁹³ Institutions must be established to guide the transition to democratic rule.⁹⁴ Forceful intervention followed by coercive democratization tactics rather than collaboration with the governments of the Middle East solidifies an image of the United States as an imperialist power that does not recognize the unique needs and goals of each society.⁹⁵

Democracy-building takes time. Free elections and a draft constitution are a small step in the right direction; however, the steps that should have preceded these events are largely absent. As a result, the move toward democracy in Iraq is leading to increased separatist inclinations, which have existed since the unification of Basra, Baghdad, and Mosul⁹⁶ and which seem unlikely to cease in the near future.

C. Economic Growth and Sustainability

The values promoted by democracies are separated from those of Islamic regimes by a broad chasm, and the bridge connecting the two sides is paved with effective development policies. This Part will describe those policies and explain how they can lead to democracy in the Middle East.

During the Wilsonian era, the United States broadly promoted democratization as an effort to modernize nations and establish a global community of like-minded politicians.⁹⁷ The goal was the establishment of a peaceful trading community wherein all countries could leverage their competitive advantage for the greater good of the world. The theory postulates that the key factors of democracy,

93. *Id.* at 8.

94. See Cook, *supra* note 58, at 91 (suggesting that democracy did not take hold in the Arab world due to the existence of flawed institutions).

95. See Ibrahim M. Oweiss, *Egyptian Example Shows Need for Homegrown Democratization in the Middle East*, WASH. REP. ON MIDDLE E. AFF., Apr. 2005, available at http://www.washington-report.org/archives/April_2005/0504034.html.

96. See, e.g., Judith S. Yaphe, *War and Occupation in Iraq: What Went Right? What Could Go Wrong?*, 57 MIDDLE E. J. 381, 383-84 (2003) (discussing the political picture in early twentieth century Iraq); see also Fareed Zakaria, *What Bush Got Right*, NEWSWEEK, Mar. 14, 2005, at 22 (“[T]he end of the old order [in Iraq] has produced growing tendencies toward separatism and intolerance.”).

97. See Jeffrey A. Frieden & David A. Lake, *International Relations as a Social Science: Rigor and Relevance*, 600 ANNALS AM. ACAD. POL. & SOC. SCI. 136, 142 (2005); see generally TONY SMITH, *AMERICA’S MISSION: THE UNITED STATES AND THE WORLDWIDE STRUGGLE FOR DEMOCRACY IN THE TWENTIETH CENTURY* (1994).

such as free elections, free press, and legitimate constitutions, were essential to the growth of the world's economies and the development of a global market.⁹⁸ While this theory appears logical, data suggests that there is only a weak correlation between democratization and development and between open markets and growth.

Although Wilson was unsuccessful in achieving a world of peaceful trading nations as he had envisioned, several of his successors have made efforts to complete the task, including, most recently, George W. Bush.⁹⁹ The Bush Administration invaded Afghanistan with the support of the United Nations Security Council¹⁰⁰ and with the intention of pursuing those responsible for the September 11 attacks in the United States.¹⁰¹ A collateral effect of their invasion was the removal of the Taliban government. Once it became clear that the United States would be unable to capture the alleged aggressors, it turned its attention to the democratization of Afghanistan. Now, more than three years after the invasion, the country is quickly falling into civil war and is rife with corruption and crime.¹⁰² In Iraq, the story is even more disheartening for democracy. With every step toward political stabilization, retaliation grows fiercer.¹⁰³ Why did democratization efforts fail in Afghanistan and Iraq when the Marshall Plan met such great success with post-World War II Germany and Japan? Why is democracy promotion in the Middle East yielding such unremarkable results?

The argument that democracy is essential for economic growth, prevalent since at least the late 20th century, can be countered with one simple word: China. But this is not the only example—Vietnam, Equatorial Guinea, and Cambodia join China in ranking among the top twenty countries in terms of annual GDP growth in the last ten years, and not one of them has been designated as completely free by Freedom House (see Table 5). These cases of non-democratic economic growth challenge the assumption that democracy is

98. See, e.g., Frieden & Lake, *supra* note 97, at 141-45 (discussing the theory of “democratic peace” and the relationship between trade policy and international politics).

99. See, e.g., Bush Speech on Promoting Democracy, *supra* note 11 (“I believe that America will gain long-term security by promoting freedom and hope and democracy in the broader Middle East.”).

100. S.C. Res. 1373, U.N. Doc S/RES/1373 (Sept. 28, 2001); S.C. Res. 1378, U.N. Doc S/RES/1378 (Nov. 14, 2001).

101. See, e.g., Greene & Bowman, *supra* note 4.

102. See, e.g., Regan, *supra* note 7; Taleban Leader Promises “Unprecedented Waves of Afghan Resistance”, BBC MONITORING INT’L REP., Mar. 16, 2006.

103. See *supra* Tables 1-4.

essential for economic development. This type of “extraordinary economic success has presented a serious problem for those arguing that democracy is necessary for development or that dictatorial regimes cannot produce sustained economic development.”¹⁰⁴

**Table 5: Annual GDP Growth (%) for
Twenty Top Performing Countries¹⁰⁵**

Country Name	Freedom House Ranking (2005) ¹⁰⁶	1995	1996	1997	1998	1999
Equatorial Guinea	Not Free	14.26	29.14	71.19	21.91	41.45
Bosnia and Herzegovina	Partly Free	20.80	85.90	36.60	15.60	9.60
Liberia	Partly Free	-4.27	12.12	106.28	29.70	22.90
Rwanda	Not Free	35.22	12.75	13.85	8.86	7.58
Turkmenistan	Not Free	-7.20	-6.70	-11.30	6.70	16.46
China	Not Free	10.50	9.60	8.80	7.80	7.10
Myanmar (Burma)	Not Free	6.95	6.44	5.65	5.87	10.95
Ireland	Free	9.86	8.07	11.09	8.64	11.28
Armenia	Partly Free	6.90	5.87	3.32	7.34	3.30
Mozambique	Partly Free	4.30	7.10	11.10	12.63	7.54
Maldives	Not Free		8.82	11.52	9.30	7.78
Angola	Not Free	10.40	11.20	7.90	6.80	3.24
Chad	Not Free	0.81	2.40	4.30	5.90	-0.60
Vietnam	Not Free	9.54	9.34	8.15	5.76	4.77
Uganda	Partly Free	11.52	9.07	5.10	4.91	7.88
Azerbaijan	Not Free	-11.80	1.30	5.80	10.00	7.40

104. Carothers, *supra* note 41, at 415.

105. WORLD BANK, WORLD DEVELOPMENT INDICATORS DATABASE (2004), <http://devdata.worldbank.org/dataonline> [hereinafter WDI ONLINE]. Note that, while many of developing countries exhibit a rise in annual GDP, income per capita has fallen as a result of higher rates of population growth. *Id.*

106. FREEDOM HOUSE, *supra* note 52.

Bhutan	Not Free	6.84	5.49	7.78	7.07	7.00
Cambodia	Not Free	6.89	4.97	6.82	3.68	11.17
Albania	Partly Free	8.90	9.10	-10.20	12.70	10.10
Georgia	Partly Free	2.60	11.20	10.52	3.10	2.88

Country Name	2000	2001	2002	2003	2004	10-Year Average
Equatorial Guinea	1.47	1.45	17.62	14.70	9.98	22.32
Bosnia and Herzegovina	5.60	4.50	3.90	2.70	4.70	18.99
Liberia	20.40	4.90	3.30	-31.00	2.00	16.63
Rwanda	5.97	6.72	9.38	0.96	3.66	10.50
Turkmenistan	18.59	20.43	19.83	16.92	17.00	9.07
China	8.00	7.50	8.30	9.30	9.50	8.64
Myanmar (Burma)	13.75	9.70	N/A	N/A	N/A	8.47
Ireland	10.08	6.19	6.92	3.70	4.90	8.07
Armenia	6.00	9.56	13.19	13.91	10.10	7.95
Mozambique	1.52	13.00	7.40	7.10	7.76	7.95
Maldives	4.39	3.26	6.08	8.40	8.80	7.59
Angola	3.01	3.14	14.35	3.45	11.21	7.47
Chad	-0.60	9.90	9.90	11.30	31.00	7.43
Vietnam	6.79	6.89	7.04	7.24	7.50	7.30
Uganda	5.38	6.10	6.84	4.73	5.73	6.73
Azerbaijan	11.10	9.90	10.55	11.20	11.20	6.67
Bhutan	7.00	7.00	6.68	6.70	4.90	6.65
Cambodia	6.99	5.56	5.47	5.35	6.00	6.29
Albania	7.30	7.60	4.70	6.00	6.20	6.24
Georgia	1.83	4.79	5.48	11.09	8.51	6.20

To yield economic growth and to pave the way for democratic reform, sustainable development must be at the top of developing countries' agendas. This involves more than fundamental economic growth—it includes essential types of capital that push economies from agrarian or industrial-based towards efficient, knowledge-based economies. With a sufficient concentration of these essential forms of capital, a democratic base begins to form upon which international institutions can more effectively promote democratic growth.

Key indicators of the potential for effective sustainable development suggested by the World Bank include: (1) Financial Capital; (2) Physical Capital; (3) Human Capital; (4) Social Capital; and (5) Natural Capital.¹⁰⁷ Together, these indicators comprise the foundation on which any society can move toward achieving sustainability and eventual democracy. Development programs that fail to address these basic elements are less likely to successfully achieve sustainable development and thereby to lay the economic foundation for democratic growth.¹⁰⁸

Recent sustainable development reports suggest that successful development programs involve a “portfolio of assets.”¹⁰⁹ Financial capital is an indicator of macroeconomic planning and fiscal management,¹¹⁰ while raw labor, social and human capital, and the quality of institutions are considered intangible capital.¹¹¹ Intangible capital is a concept that captures assets that are not recorded in standard wealth estimates, offering new insights into the inequalities between developing and developed countries. “For example, if an economy has a very efficient judicial system, clear property rights, and an effective government, the effects will be a higher total wealth and thus, an increase in the intangible capital residual.”¹¹²

The primary assets of intangible capital are human capital (the skills and knowledge of the labor force), social capital (trust of the people in a society) and governance (efficient judicial system, property rights and an effective government).¹¹³ With these factors at the forefront of development projects, sustainable growth becomes achievable.

In order for developing countries to invest in capital growth for sustainable development, excess income in the form of savings must be generated. Savings rates vary across countries, but they are indicative of development in low-income countries.¹¹⁴ They are also

107. World Bank, *Sustainable Development in the 21st Century*, <http://web.worldbank.org/WBSITE/EXTERNAL/EXTABOUTUS/ORGANIZATION/EXTESSDNETWORK/0,,contentMDK:20502659~menuPK:1287775~pagePK:64159605~piPK:64157667~theSitePK:481161,00.html> (last visited Mar. 28, 2006) [hereinafter *Sustainable Development*].

108. *See id.*

109. *See, e.g.*, WORLD BANK, *WHERE IS THE WEALTH OF NATIONS: MEASURING CAPITAL FOR THE XXI CENTURY* xix (2005).

110. *Sustainable Development*, *supra* note 107.

111. WORLD BANK, *supra* note 109, at 17 n.1.

112. *Id.* at 87.

113. *Id.*

114. *Id.* at 71-83.

significantly tied to macroeconomic policy, which can affect the ability to both generate and protect income in the form of savings, and to invest in intangible capital, such as education. Savings rates as a portion of GDP are shown in Table 6 below.

TABLE 6a: Adjusted Net Savings Rates¹¹⁵ (Top Ten and Bottom Ten)¹¹⁶

Country Name	10-Year Average (1994-2003)	Country Name	10-Year Average (1994-2003)
Singapore	36.98%	Syrian Arab Republic	-14.41%
Maldives ¹¹⁷	35.33%	Uzbekistan	-15.83%
Botswana	32.30%	Tonga ¹¹⁸	-18.22%
China	29.69%	Kazakhstan ¹¹⁹	-19.47%
Eritrea	26.29%	Saudi Arabia	-26.66%
Republic of Korea ¹²⁰	24.57%	Angola ¹²¹	-21.47%
Luxembourg	24.40%	Nigeria	-25.55%
Honduras	23.84%	Oman ¹²²	-27.97%
Haiti	23.10%	Republic of the Congo	-30.88%
Malaysia	22.24%	Azerbaijan	-39.64%

115. Adjusted Net Savings, also called “genuine savings,” is a more accurate predictor of sustainability because it includes measurements such as human capital and changes in natural resources. See WORLD BANK, *supra* note 109, at 37.

116. WDI ONLINE, *supra* note 105 (using the series “[a]djusted net savings, excluding particulate emission damage (% of GNI)”). Note that some savings rates are negative, reflecting excess government spending.

117. Data for Maldives is not available for 1994.

118. Data for Tonga is not available for 2002 or 2003.

119. Data for Kazakhstan is not available for 1994.

120. Data for the Republic of Korea is not available for 1994.

121. Data for Angola is not available for 1995.

122. Data for Oman is not available for 2003.

TABLE 6b: Adjusted Net Savings Rates by Region¹²³

Region	10-Year Average (1994-2003)
East Asia & Pacific	25.86%
South Asia	13.36%
United States	7.85%
Latin America & Caribbean	7.53%
Europe & Central Asia ¹²⁴	4.65%
Sub-Saharan Africa	1.50%
Middle East & North Africa	-6.40%

Table 6b is particularly telling of the unsustainable and declining wealth available within the Middle East.¹²⁵ Wide dispersions of wealth in the region prohibit the equal access to education that is seen in Asian and European regions.¹²⁶ When combined with the substantial rise in the population of young people throughout the Middle East that is anticipated,¹²⁷ this limited educational investment could lead to a reversal in the development progress made thus far.

According to the World Bank, intangible capital accounts for roughly 75% of the world's total wealth.¹²⁸ Developing countries that face high levels of poverty and unemployment are more likely to have low levels of intangible capital—that is, less technology investment, more capital flight, and more emigration of the educated citizenry. The result is a country that cannot sustain growth and provide for the basic needs of its people.

Economic stability and growth are fundamental requirements for sustainable democracy. As described above, democracy requires solid institutions of civil society, and a sufficient level of social capital

123. WDI ONLINE, *supra* note 105 (using the series “[a]djusted net savings, excluding particulate emission damage (% of GNI)”).

124. Data for Europe & Central Asia is not available for 1994.

125. See WORLD BANK, *supra* note 109, at 36 (“Negative genuine savings rates imply that total wealth is in decline; policies leading to persistently negative genuine savings are unsustainable.”).

126. See UNITED NATIONS DEVELOPMENT PROGRAMME, THE ARAB HUMAN DEVELOPMENT REPORT 2003 139 (2003) (“Grossly unequal distributions of income, wealth and power adversely impact opportunities for knowledge acquisition by undercutting sustainable economic growth.”).

127. See Onn Winckler, *The Demographic Dilemma of the Arab World: The Employment Aspect*, 37 J. CONTEMP. HIST. 617, 617 (2002).

128. See WORLD BANK, *supra* note 109, at 26.

to spur economic growth. Democracy is unsustainable in countries that lack significant intangible capital, maintain high poverty and low growth rates, and have savings rates too low to allow substantial investment in capital growth.¹²⁹

CONCLUSION: RECALIBRATING THE WAR TO AVOID PROMOTING TERRORISM INSTEAD OF DEVELOPMENT

“[I]n the case of the United States, the threat to the State comes not from terrorism, but the response to terrorism.”¹³⁰ Whether the impetus for the U.S.-led war on terror in the Middle East was the pursuit of terrorists or preventive warfare, the result has been an attempt at forced democratization. The question that policymakers should be asking is whether this effort is having an effect on terrorist proliferation and, if so, whether that effect is positive. The signs that terrorist activity in democratic countries is increasing are evident, but is there a correlation between this increasing activity and current democratization efforts?

The data presented in this Article indicate there is a positive correlation between Western efforts to forcefully democratize the Middle East and the level of terrorist activity against foreign targets. In addition, the literature suggests that there is a comparatively weak relationship between democracy, rapid economic development, and peace. From these findings, the following conclusions can be drawn.

The extent and sufficiency of the United States’ preparation for its wars with Iraq and Afghanistan have been hotly debated and extensively analyzed. However, more important is the United States’ lack of preparation for sustaining a peaceful transition process from authoritarian regimes to democracies in these countries. The United States merely ensured that symbolic democratic mechanisms were in place—no other plan for continued support and development was established prior to engaging in the regime change process. Rebuilding Germany and Japan after World War II involved “several years of intensive advance planning . . . and training of key administrators, both military and civilian, with the organization ready to be put in place immediately [after] the surrenders of the defeated

129. See, e.g., BENJAMIN & SIMON, *supra* note 47, at 200 (suggesting that democracy is a good plan for the Middle East, but that it is unsustainable unless substantial reforms are undertaken first).

130. Bhoumik, *supra* note 29, at 309.

states had been made.”¹³¹ This planning is largely absent from the present plan to reconstruct the Middle East.

The spread of democratic political and economic values to the developing world should focus on fostering civil society institutions, rather than elections and multiparty democracy. Alex Seita claims that globalization should be configured to promote the values of liberal democracy and that Western democracies should “be able to determine the specific content of globalization.”¹³² However, he warns that the perception of the West as political and economic imperialists will not foster support for democratizing efforts. Thus, the “primary vehicle for the industrialized democracies should be the ‘rule of law[.]’”¹³³

A key issue in the struggle against terrorist proliferation is the threat of failed states. Crumbling democracies or those that could not get off the ground, weak autocracies that are run by interest groups, and governments too weak to provide basic social services are prime havens for terrorist growth and development.¹³⁴ Some recognition of this fact has led the Bush Administration to begin training more troops in Africa to fight the potential *locus operandi* of terrorist groups.¹³⁵ However, when a nation embarks on a campaign to change the regime of a State, but fails to establish effective measures to sustain growth and development before initiating a campaign to change the regime of another State, it leaves the door open for a resurgence of terrorist activity. Afghanistan is a prime example. After the 2001 destruction of the Taliban ruling party, the United States declared victory and moved on to Iraq.¹³⁶ This shortsightedness has led to deterioration of security in the country and the rise of more Taliban forces.¹³⁷ The citizens of Afghanistan “remain

131. EDWARD MCWHINNEY, THE SEPTEMBER 11 TERRORIST ATTACKS AND THE INVASION OF IRAQ IN CONTEMPORARY INTERNATIONAL LAW: OPINIONS ON THE EMERGING NEW WORLD ORDER SYSTEM 82 (2004).

132. Alex Seita, *Globalization and the Convergence of Values*, 30 CORNELL INT’L L.J. 429, 432 (1997).

133. *Id.*

134. See generally Susan E. Rice, *The New National Security Strategy: Focus on Failed States*, BROOKINGS INSTITUTION POL’Y BRIEF (Brookings Institution, Wash. D.C.), Feb. 2003.

135. *Morning Edition: United States Increasing Counterterrorism Efforts in Africa* (NPR radio broadcast March 8, 2004) (on file with author).

136. See, e.g., *Bush: Afghanistan Is a Victory over Terrorism*, June 15, 2004, <http://www.cnn.com/2004/US/06/15/karzai/> (“Coalition forces, including many brave Afghans, have brought America, Afghanistan and the world its first victory in the war on terror[.]”).

137. See *Gunmen Kill Candidate in Sunday’s Afghan Elections*, WASH. POST, Sept. 17, 2005, at A17; Regan, *supra* note 7.

desperately poor and essentially ungoverned, scarcely better off than they were on September 10, 2001.”¹³⁸

Forced democratization of a developing country followed by minimal sustainable development practices will not achieve any reduction in overall terrorist activity, and in fact may make the world a less safe place in which to live. Collaborative, effective and sustainable development practices are needed to achieve success in the democratization process of the Middle East. Leadership for this process must come from inside the Middle East, rather than from foreign imposition.¹³⁹ A recent Article in the *Middle East Journal* stated this need as follows: “Development depends on a political version of bio-diversity, in which democracy emerges organically out of existing local traditions and practices.”¹⁴⁰

Steven Cook, director of an independent task force of the Council of Foreign Relations, concluded that “it’s better to promote democracy and manage [the risk that unfriendly governments will result] than to do nothing and continue to face the same kinds of problems in the region that we currently face: political alienation, extremism, and, ultimately, terrorism.”¹⁴¹ He also suggests that one way in which the United States can promote democracy in the region is by linking political reform to aid. In this way, “[w]e can actually reward countries with aid if they do the right thing on political reform.”¹⁴²

Cook does not address any possible alternatives to forced democratization, but one exists that may result in long-term stability and significantly less loss of life. Effective development offers a solution that can provide a remedy to terrorist proliferation, a collaborative institutional growth approach, and eventually, organically developed democracy. Ignoring this solution is detrimental to development and peace in the region and worldwide. Tying aid to political reform, much like the new U.S. Millennium

138. STERN, *supra* note 54, at 294 (concluding that Iraq citizens are in the same situation).

139. See, e.g., Oweiss, *supra* note 95, at 34 (noting that “reform is a historical and cultural process that must be homegrown”).

140. Jeremy Jones & Nicholas Ridout, *Democratic Development in Oman*, 59 MIDDLE E. J. 376, 376 (2005).

141. Bernard Gwertzman, *Cook: Washington Should Support “Basic Democratic Principles”*, COUNCIL ON FOREIGN REL., June 9, 2005, <http://www.cfr.org/publication/8177/cook.html>.

142. *Id.*

Challenge Corporation is doing,¹⁴³ prevents effective development from taking hold in a country by ignoring several long-term institutional growth processes necessary to sustain democracy.¹⁴⁴ In essence, with aid tied to political reform, growth will be limited by the amount of real and superficial external changes a country is able to make, without paying heed to the key institutional development and other key reforms that the country should make. Countries may focus their efforts on satisfying the demands of Western grant-making institutions' ideas of political reform at the expense of some of the most critical internal developmental reforms.

One might conclude from reading this Article that there remains no workable solution to the war on terrorism in Iraq and Afghanistan. Yet, while this text is intended to evaluate ideas about the best way to promote democracy in the Middle East from this point forward, there are still options remaining for Iraq and Afghanistan worthy of brief mention.

The United States has placed itself in a difficult position. If it leaves troops in Iraq and Afghanistan to root out terrorists and facilitate electoral politics, violence will likely worsen in retaliation to the "imperial" occupation, and fatalities and costs will continue to rise. If the United States pulls troops out of Iraq and Afghanistan, a power vacuum will emerge and either civil war will break out or extremist factions will take power, reversing the limited progress that has been made to this point.¹⁴⁵ Additionally, a growing number of Americans subscribe to the idea that the war on terror may be leading to an increase in the number of terrorist attacks, reflecting the need for policy support at home as well as abroad.¹⁴⁶

To resolve this quagmire, several steps must be taken. First, global support must be sought. The United States is the primary

143. See generally THE OTHER WAR: GLOBAL POVERTY AND THE MILLENNIUM CHALLENGE ACCOUNT (Lael Brainard et al. eds., 2003).

144. See FUKUYAMA, *supra* note 26, at 37 ("The MCA [Millennium Challenge Account] may stimulate countries well on the road to reform, but it will do little for failed states and the world's more troubled countries.").

145. See, e.g., Andrew F. Krepinevich, *How to Win in Iraq*, FOREIGN AFF., Sept./Oct. 2005, at 87.

146. According to a Roper Center 2005 survey, 41% of surveyed Americans thought that the war in Iraq has led to an increase in the risk of further terrorist attacks in the United States. *Survey by Pew Research Center and Princeton Survey Research Associates International, October 6-October 10, 2005*. Retrieved March 5, 2006 from the iPOLL Databank, The Roper Center for Public Opinion Research, University of Connecticut, <http://www.ropercenter.uconn.edu/ipoll.html>.

occupying force in both Iraq and Afghanistan and arguably entered Iraq without justification in international law. The occupation has already cost over \$300 billion and thousands of Iraqi and American lives.¹⁴⁷ Working together with committed, well-funded international partners will have two effects—it will substantially reduce the costs borne by the United States and allow for higher concentrations of forces in areas where citizens are at risk, and it will counteract the perception that America is the sole imperial power in the region. Garnering international support at this point may be difficult and it will involve significant bargaining on the part of U.S. diplomats. In order for the international community to get on board, the U.S. strategy in the region must change and collaboration with the United Nations must increase.

Rather than pursuing a policy of military dominance over extremist elements, the focus of the U.S. military in the region should shift to one of development protection. The institutional development that needs to take place—establishing laws, a viable constitution, an independent judiciary—requires support and protection. The structures required to build social capital, likewise require support. For example, schools, including trade schools and universities, must be built, and those students pursuing education and training there must be protected. Also, jobs need to be created, employing the masses and providing regularized salaries for potential sympathizers to extremist elements.¹⁴⁸ These must not be subsidiary roles of the U.S.-led forces, but primary ones. Failed efforts to build sustainable institutions can substantially deride support for democracy in the region.¹⁴⁹ The growing sentiment throughout the Middle East is that the United States is not sincerely interested in democratic reform.¹⁵⁰ This shift in strategy toward enhancing

147. Steven Kosiak, *The Cost of US Military Operations in Iraq and Afghanistan through Fiscal Year 2006 and Beyond*, UPDATE (Center for Strategic and Budgetary Assessments, Wash., D.C.), Jan. 4, 2006, available at <http://www.csbaonline.org> (follow “latest from CSBA” hyperlink; then follow “The Cost of US Military Operations in Iraq and Afghanistan through Fiscal Year 2006 and Beyond” hyperlink) (last visited Mar. 28, 2006); see *supra* Tables 1a, 1b, 2.

148. Over the next 15 years, population growth in the region will require the addition of approximately 100 million new jobs. See Ray Takeyh, *Close, but No Democracy*, NAT’L INT., Winter 2004/05, at 57.

149. Joe Stephens and David B. Ottoway, *A Rebuilding Plan Full of Cracks*, WASH. POST, Nov. 20, 2005, at A01 (discussing the deteriorating structures and institutions in Afghanistan that were rushed to completion by the U.S. prior to national elections).

150. See BENJAMIN & SIMON, *supra* note 47, at 53.

development will encourage long-term growth, ensure local collaboration, and engage international support.

Finally, immediate attention must be given to long-term sustainable development in the Middle East and Africa. These two regions are the poorest, most underdeveloped in the world and they have shown themselves to be economically, politically and socially incapable of meeting the needs of their citizens.¹⁵¹ The result has been the proliferation of Middle Eastern puppet-governments with little domestic legitimacy,¹⁵² and corrupt, militaristic African polities.¹⁵³ The United States is the most prominent actor in the Middle East and thus is a primary target of terrorist attacks against the West. Accordingly, it is in the best interests of the American people for the United States to pursue a policy of preventive development—to bring the growth and peace to the people before they bring the war and hatred to America.

“[D]emocracy is the worst form of government except for all those other forms that have been tried from time to time.”¹⁵⁴ Winston Churchill saw the drawbacks of democratic rule but recognized that it is the most workable system of our time.¹⁵⁵ Promoting democratic values is wise foreign policy for democratic countries. What needs to be remembered, however, is that democratic values alone do not bring growth, peace or sustainability. Promoting democracy must encompass the promotion of development. When key development indicators fail, democracy will fail. Democracy has been advocated as the bringer of many goods—rapid economic growth, market development, free and fair elections, equality—yet when these deliverables fall short, support for democracies wanes and alternative political and economic solutions are sought. Without successful sustainable development practices and the acknowledgement that development is a long-term process, democratic progress cannot be sustained.

151. While many studies identify Sub-Saharan Africa as the poorest region in the world, the adjusted net savings rate identified above indicates that the Middle East is even less endowed with capital wealth. See *supra* note 111 and accompanying text.

152. See, e.g., ZAKARIA, *supra* note 19, at 136.

153. See, e.g., Ernest Harsch, *Africans Taking Action on Corruption*, AFRICA RECOVERY, July 1997, available at <http://www.un.org/ecosocdev/geninfo/afrec/vol11no1/corrupt.htm>; see also Philip M. Nichols, *Corruption as an Assurance Problem*, 19 AM. U. INT'L L. REV. 1307 (2004).

154. Winston Churchill, Address to the House of Commons (Nov. 11, 1947), in 7 WINSTON CHURCHILL, HIS COMPLETE SPEECHES 1897-1963 at 7566 (Robert Rhodes Jones ed., 1974).

155. See *id.*