

Guantánamo Bay, USA

The United States was originally interested in Guantánamo Bay, Cuba because it provided a strategic location for a naval base during the Spanish-American War of 1898. This war was essentially between Spain and the United States. Approximately five years following the conflict, a treaty would grant the United States permission from the Cuban government to establish and maintain a military base in Guantánamo Bay. Almost a century later the United States found itself in the premature stages of the Global War on Terrorism (GWOT), a new type of war, and the role of Guantánamo Bay was refocused by the Bush administration to meet the needs of US national security. The unintended consequences of this policy adjustment have been costly.

After the September 11th attacks on the United States, Guantánamo Bay became notorious as the home to a detention camp for suspected terrorists. The characterization of this detention camp as a center of human rights abuse and torture has undermined the GWOT by tarnishing the image of the United States abroad and reinforcing sentiments of the US as a global oppressor. This paper will investigate the establishment of the Guantánamo Bay detention center as an illustration of the United States' realist tendencies in addition to discussing its costs and benefits to the Global War on Terror, and provide implications for solutions to the public diplomacy problem that the existence of the detention center has created.

First it is important to assess the establishment of the Guantánamo Bay detention center (Gitmo) through a realist theoretical lens.¹ At the foundation of the realist paradigm is the principle of dominance in order to achieve survival. It explains international relations in terms of

¹ Gitmo is the military abbreviation of the Guantanamo Bay detention facility and will be used throughout the paper.

the power states exercise toward each other.² Realism uses philosophical assumptions from thinkers who stress human self interest, such as Thomas Hobbes, to describe the international system. Realists generally view the world as an anarchic system where states are the most important actors driven by human self-interest in the pursuit of maintaining existence.³ The United States was able to achieve and maintain a comparative power advantage over other states globally since the end of World War II because it chose to take power seriously and applied the foundations of realism to foreign policy. Donald Snow refers to the September 11th attacks on the United States as a major “fault line,” or traumatic event in history, that altered the perception of US vulnerability and required an adjustment to national security and foreign policy.⁴ While the United States did make adjustments by establishing the Department of Homeland Security and focused more resources on military intelligence and counterterrorism, they did not account for the implications a “Global War on Terror” administered from the realist vantage point would have on the “war effort” and US public diplomacy. This is reflected in multiple fashions, but for the sake of this paper, will be examined primarily through the establishment of Gitmo.

After the September 11th attacks, the United States was obsessed with finding those responsible. This obsession is illustrated in a variety of ways. For example, after President Bush declared a “war on terror” on September 20, 2001, his approval rating peaked at 90% according to Gallup Poll data.⁵ Additionally the 107th US Congress passed the Authorization for Use of Military Force (AUMF) which granted the president authority under the Constitution to take action to deter and prevent acts of international terrorism against the United States six days after

² Goldstein, Joshua, and Jon Pevehouse. "Power Politics." In *International Relations 2008-2009 Update*. Eighth Edition ed. New York: Pearson Longman, 2009. 43-45.

³ Ibid.

⁴ Snow, Donald M.. "The Changing Problem of National Security." In *National security for a new era* . 4th ed. Boston: Longman, 2011. 8.

⁵ Gallup, Inc.. "Presidential Approval Ratings -- George W. Bush." Gallup. <http://www.gallup.com/poll/116500/Presidential-Approval-Ratings-George-Bush.aspx> (accessed April 21, 2011).

the attacks.⁶ These conditions led to the construction of the terrorist detention facility at Guantánamo Bay and the arrival of the first foreign detainees 4 months after the 9/11 attacks.⁷

Furthermore, it is significant to note that the preconditions under which Gitmo was established reflect the realist ideology. Because realism provides the assumptions that the international system is anarchic, the United States operated under the idea of a self-help system. In order to ensure and preserve their dominance it was necessary to look out for their own interests without relying on allies or international institutions. So while the September 11, 2001 “fault line” altered the perception of domestic safety, the response to the attacks alienated the US from the international community because it employed the passions of retributive justice instead of calculation and reasoning. Gitmo was established on the coattails of the desire for revenge.

As a result of apprehending suspected terrorists, the United States needed a secure location to incarcerate and interrogate them for intelligence. The policies that govern the practices at Gitmo upon its establishment are precisely what undermine the international community, the GWOT and United States public diplomacy.

First, the logistical aspects of the GWOT have created the legal black hole in which Gitmo resides. After the invasion of Afghanistan and the arrival of the first detainees at Gitmo, there was debate concerning how the prisoners should be classified. The debate prompted questions such as: Is the situation in Afghanistan technically a war? Are detainees then prisoners-of-war? What rights do detainees have? How and where will the detainees be tried? In the initial stages of the establishment of Gitmo these questions were answered by the Bush administration. After the first group of detainees arrived, President Bush claimed that their status as terrorists

⁶ 107th United States Congress. Authorization for Use of Military Force. Public Law 107-40 [S. J. RES. 23] (September 18, 2001).

⁷ British Broadcasting Corporation. "BBC NEWS Profile: Guantanamo Bay." BBC News. <http://news.bbc.co.uk/2/hi/americas/4720962.stm> (accessed April 23, 2011).

disqualified them from the prisoner-of-war protections provided under the Geneva Conventions, and that Gitmo was outside of US legal jurisdiction because of its location in Cuba.⁸ Following this claim, the administration also revealed that they planned for Gitmo to be a long-term prison camp that would be in use for the duration of hostilities in the GWOT. The prisoners at Gitmo were effectively labeled as “enemy combatants” instead of prisoners-of-war and originally tried in a military tribunal which is a military court that is used to try members of enemy forces during times of war, and is made up of military officers fulfilling the roles of judge and jurors.⁹

Although these tribunals endured periods of reform upon the inception of Gitmo to attempt to ensure some rights, detainees were still not given a criminal trial and were not given basic protections under the Geneva Conventions until 2006 in the US Supreme Court case *Hamdan v. Rumsfeld* which ruled that the Gitmo detainees were entitled to the minimal protections provided under the Geneva Conventions Common Article 3.¹⁰ This portion of the Geneva Conventions explicitly protects detainees from torture or inhumane treatment and the deprivation of the right to a fair trial to name a few.¹¹

Following the Supreme Court ruling in *Hamdan v. Rumsfeld*, the United States Congress passed a new bill that reformed the treatment of detainees at Gitmo. The new bill was primarily designed to legalize military commissions (tribunals) as “fair trials” for inmates at Gitmo in addition to clarifying the interrogation techniques that CIA officers utilized on suspects

⁸ The Washington Post Company. "Guantanamo Bay Timeline ." The Washington Post. <http://projects.washingtonpost.com/guantanamo/timeline/> (accessed April 23, 2011).

⁹ 2002 ARAB-US RELATIONS - March 21 - New Military Tribunal Regulations *The Free Library* (March, 23), <http://www.thefreelibrary.com/ARAB-US RELATIONS - March 21 - New Military Tribunal Regulations.-a084335431> (accessed April 23 2011).

¹⁰ Ibid.

¹¹ Pictet, Jean . "The Geneva Conventions of 12 August 1949." Military Legal Resources. http://www.loc.gov/rr/frd/Military_Law/Geneva_conventions-1949.html (accessed April 24, 2011).

considered “unlawful enemy combatants.”¹² Although it would seem that some provisions were made to enhance the legal policies that ran Gitmo, they only legally justified the imposition of extraordinary limits on the defendants’ traditional rights in the courtroom. For instance, while the 2006 legislation did bar any testimony that was perceived to have been acquired through coercion of the witness, it also enacted restrictions on a suspect’s ability to challenge his detention and examine all the evidence against him.¹³ While it may have appeared that Gitmo inmates were being looked after to a certain extent, the belief that they were being mistreated and deprived of certain rights still existed. The classification of “unlawful enemy combatant” was not the same as “prisoner-of-war” and thus, Gitmo inmates were still only granted basic rights through the Geneva Conventions Common Article 3.

With regard to the policies implemented at Gitmo, it is imperative to understand how these policies ultimately undermined the Geneva Conventions and produced severe backlash against the United States. Once again these policies displayed the self-help system that is at work in the realist ideology. After it was declared Guantánamo Bay was outside of US legal jurisdiction, the Bush administration seemed to take advantage of the lack of legal obligations that characterized the base. While outside the reach of US legal regulations, prisoners could be detained without a right to a trial, and interrogated through unspecified practices. This in conjunction with the classification of the detainees as “enemy combatants” instead of prisoners-of-war, allowed the United States to justify the detention of prisoners without charges or trial for the duration of hostilities.¹⁴

¹² Babington, Charles , and Jonathan Weisman. "Senate Approves Detainee Bill Backed by Bush." *The Washington Post* (Washington, D.C.), September 26, 2006. <http://www.washingtonpost.com/wp-dyn/content/article/2006/09/28/AR2006092800824.html> (accessed April 10, 2011).

¹³ Ibid.

¹⁴ British Broadcasting Corporation. "BBC NEWS Profile: Guantanamo Bay." BBC News. <http://news.bbc.co.uk/2/hi/americas/4720962.stm> (accessed April 23, 2011).

Unfortunately, while the United States established Gitmo through the exploitation of a legal black hole, in doing so they broke Robert Thompson's "Rule of Law" and the fallout from the international community is immeasurable. The "Rule of Law" states "If the government does not adhere to the law, then it loses respect and fails to fulfill contractual obligations to the people as a government."¹⁵ In the case of Gitmo, the United States found a way around providing some of the basic "inalienable" rights that it promotes throughout the world from "sea to shining sea." It has failed to maintain the legitimacy of the contractual obligations it must adhere to as the government by justifying their absence in the case of Gitmo. This action runs the risk of delegitimizing the entire GWOT. By exploiting the anomalies of the original lease of Guantánamo Bay from Cuba, and jurisdictional gaps, the Bush administration established the detention facility at Guantánamo Bay by avoiding the US legal system and essentially all of the protections and regulations that the aforementioned system promotes.¹⁶ By doing this they have also successfully managed to undermine the Geneva Conventions, which have been the international treaties that constitute international humanitarian law since 1949, and created instability within an already anarchic international system. If the Geneva Conventions are not followed, the legitimacy of the international order and any universal rules of engagement disappear. By showing disregard for the Geneva Conventions the United States reinforced their image as hegemon of the current international system while simultaneously calling upon the world to trust a process being conducted at Guantánamo Bay detention facility that they could not see- a lofty request from a nation that appears to have total disregard for the international structures implemented to ensure stability and promote international trust and cooperation.

¹⁵ Thompson, Robert. *Defeating communist insurgency: Experiences from Malaya and Vietnam*. . 5.impr. ed. London: Chatto & Windus in Komm., 1972.

¹⁶ Strauss, Michael . *The Leasing of Guantamo Bay* . Westport, Conn.: Praeger Security International, 2009.

However, another important element that needs to be taken into consideration when discussing the role of Gitmo is undoubtedly what positive affects it may have on the GWOT. As previously mentioned, Gitmo was established by the United States because the GWOT required a secure location where apprehended suspected terrorists could be incarcerated and interrogated for intelligence. It may seem intuitive, but the immediate benefit of Gitmo is that it provides the arena for the incarceration of apprehended terrorists. These terrorists, like other criminals, are no longer a substantial threat upon incarceration. This is the goal of any prison system to neutralize those who threaten to break the law through incarceration and/or sanctions. However, there is not much evidence to suggest that these suspected terrorists were terrorists in the first place. While some clandestine intelligence agencies have apprehended high profile terror subjects, the majority of the detainees at Gitmo were no more than foot soldiers.¹⁷ This was initially divulged during debates over the reformation of military tribunal courts at Gitmo. US officials claimed the majority of the some 300 prisoners who were then detained at Gitmo were low-ranking members originally expected to serve indefinite prison sentences without trial.¹⁸

The likelihood of recidivism among Gitmo detainees was of major concern to US officials but has since provoked questions as to whether the rate illustrates positive or negative influence on the GWOT. Recidivism is defined as the habitual relapse into crime, and is a viable factor used to analyze perceived success of rehabilitation at any form of prison system. A 2009 Pentagon report concluded that approximately one in seven of the 534 prisoners that had been released from Gitmo had returned to terrorism or militant activity.¹⁹ This is approximately 14%

¹⁷ 2002 ARAB-US RELATIONS - March 21 - New Military Tribunal Regulations *The Free Library* (March, 23), <http://www.thefreelibrary.com/ARAB-US RELATIONS - March 21 - New Military Tribunal Regulations.-a084335431> (accessed April 23 2011).

¹⁸ Ibid.

¹⁹ Bumiller, Elisabeth. "Later Terror Link Cited for 1 in 7 Freed Detainees." *The New York Times*, May 20, 2009. Later Terror Link Cited for 1 in 7 Freed Detainees (accessed April 10, 2011).

of the total and was originally publicized by the Pentagon as cause for alarm, but the severity of a 14% recidivism rate among Gitmo detainees has been criticized by other studies and reports. First, out of the 74 alleged recidivists, the Pentagon provided no means to authenticate 45 of them while only 29 of the former detainees could be identified by name as having engaged in terrorism since their release.²⁰ According to Mark P. Denbeaux, a law professor at Seton Hall University who represented Gitmo detainees, the rhetoric used in these recidivism reports issued by the Pentagon is primarily for rallying support around the necessity of keeping detainees incarcerated at Gitmo. The Pentagon is essentially engaging in a “campaign to win the hearts and minds of history for Guantánamo,” in other words, the United States needs to reinforce the notion that those detained at Gitmo are among the worst of US enemies.²¹ But these reports often fail to rally support and instead raise the question of whether or not Gitmo has caused an increase in terrorism and ultimately undermined the GWOT.

In comparison, a study by the Royal United Services Institute examined the Pentagon-reported rate of recidivism among Gitmo detainees and provided some interesting findings. The rate of recidivism for Gitmo detainees (14%) when compared to recidivism rates for US criminals (60%) differed to the extent that it was suggested that the majority of the suspects released from Gitmo were originally innocent.²² Although it would seem likely for many of the prisoners released from Gitmo to feel resentment for the United States and be more motivated to engage in suspected terrorist activity this was not the case when looking at the bigger picture. It very unlikely that the low recidivism rate among those released from Gitmo testifies to the fact

²⁰ Ibid.

²¹ Ibid.

²² Freeman, Kenneth. "Prisoners Released from Guantanamo Bay: How does their recidivism rates compare with US criminals?." RUSI . <http://www.rusi.org/analysis/commentary/ref:C4A1588EB894C1/> (accessed April 24, 2011).

that Gitmo employs some remarkable rehabilitation practices, but rather the data allows us to infer that the majority of prisoners incarcerated at Gitmo were innocent of any terrorist related activities.²³

With regards to the discussion of recidivism rates among former Gitmo detainees, there has not been enough available information to evaluate whether or not Gitmo has created more terrorists, reformed former terrorists, or has been essentially insignificant to the GWOT by incarcerating innocent foreign detainees. In comparison to the US criminal recidivism rate, the evaluation by the Royal United Services Institute found that the Gitmo rate was substantially lower, and suggested this is probably not due to rehabilitation practices at Gitmo, but rather the fact that those incarcerated were innocent to begin with. The rhetoric used by the Pentagon upon issuing the initial reports of recidivism also suggests that the priority was to reinforce the idea that the United States worst enemies are being held at Gitmo although there is evidence that the majority of the prisoners are low-ranking members if members at all. Above all it would seem that the major benefit of the detention facility at Guantánamo Bay is that it achieves the purpose of a facility that is out of the line of fire and secure. Other than that basic fact, the lack of international and domestic support for Gitmo has made the facility a major problem for the United States by undermining the GWOT and US public diplomacy through the unlawful incarcerations of seemingly innocent foreign civilians.

Despite what the perceived benefits of Gitmo may be, there are certainly substantial costs associated with its establishment in the absence of transparent rules and regulations. When President Bush claimed that because the detainees were classified as “unlawful enemy combatants” and were not guaranteed prisoner-of-war protections, many humanitarian watch groups believed this was a tell-tale sign of an imminent threat of human rights abuses at Gitmo.

²³ Ibid.

Whether Gitmo has succeeded in neutralizing the United States' worst enemies, and gained valuable intelligence upon their interrogation and incarceration, the alleged methods used by interrogators have unequivocally damaged the image of the United States and undermined the GWOT.

Allegations of abuse emerged from the start after the first group of detainees arrived at Gitmo in 2002. These allegations were accompanied by staunch disapproval from the international community that publically condemned Gitmo and called for its closure. In October of 2003, the International Red Cross, the only organization that is granted full access to the detainees, publically reported the "deterioration in the psychological health of a large number of detainees."²⁴ In light of the severity of the human rights abuse allegations at Gitmo the Economic and Social Council Commission on Human Rights of the United Nations issued a detailed investigation and recommended the closure of Gitmo in 2006.²⁵ The official report of the United Nations Commission on Human Rights found that as of April 2003, US Secretary of Defense Donald Rumsfeld authorized the following interrogation techniques: the removal of comfort items; change of scenery which may include exposure to extreme temperatures and deprivation of light and auditory stimuli; altering the environment to create discomfort; sleep adjustment; and prolonged isolation from other detainees.²⁶ According to the UN document, the aforementioned techniques met four of the five elements in defining torture by the Geneva Conventions (UN). Specifically, because the acts in question were carried out by government officials, were administered for the clear purpose of gathering intelligence, were committed intentionally, and because the victims were powerless, it was recommended by the United

²⁴ The Washington Post Company. "Guantanamo Bay Timeline ." The Washington Post. <http://projects.washingtonpost.com/guantanamo/timeline/> (accessed April 23, 2011).

²⁵ Ibid.

²⁶ UN Commission on Human Rights report regarding the situation of detainees at Gitmo.

Nations Commission on Human Rights that the United States close the detention facility at Guantánamo Bay. The report publicized an investigation that found evidence of torture through force-feeding of hunger strike inmates through nasal tubes and the simultaneous administration of interrogation techniques like prolonged solidarity confinement and exposure to extreme temperatures, noise and light.²⁷ This report was a major blow to the image of the United States internationally, but was not the only consequence of the once- secret methods used by interrogation operatives at Gitmo.

Moreover, the employment of interrogation methods described by the United Nations report were later corroborated through several Guantánamo documents made public at a Senate Armed Services Committee hearings in June of 2008. According to the documents, military trainers who were assigned to Gitmo following its establishment in 2002 used a chart that had been copied from Chinese interrogation techniques used during the Korean War to obtain confessions from American prisoners-of-war.²⁸ The chart specifically highlighted the same methods as the UN report had in 2003 and illustrated the effects of “coercive management techniques” that could be used on prisoners, such as “sleep deprivation,” “prolonged constraint and isolation,” and “exposure.”²⁹

While these methods have been corroborated over time and it is clear that they were once employed by officers in order to gain intelligence from inmates at Gitmo, they are not among the most severe forms of interrogation that have been allegedly practiced at Gitmo. Although some of these methods may have been sensationalized, because they involve physical and mental torture through cultural avenues, these alleged forms of torture particularly have the greatest

²⁷ British Broadcasting Corporation. "BBC NEWS Profile: Guantanamo Bay." BBC News. <http://news.bbc.co.uk/2/hi/americas/4720962.stm> (accessed April 23, 2011).

²⁸ Shane, Scott. "China Inspired Interrogations at Guantanamo." *The New York Times*, July 2, 2008. <http://www.nytimes.com/2008/07/02/world/americas/02iht-02detain.14154569.html> (accessed April 10, 2011).

²⁹ Ibid.

ramifications on the image of the United States abroad. In May of 2005 a Commander at Gitmo stated that upon an internal investigation, the US military had identified five different incidents where the Koran was mishandled by interrogators attempting to intimidate a prisoner.³⁰ An initial report by *Newsweek* which was later retracted alleged that the “mishandling of the Koran” was actually the act of a Gitmo officer flushing a copy of the Koran down a toilet.³¹ This report sparked a response from Muslims in Egypt, Pakistan, Jordan, Malaysia, Afghanistan and Lebanon. Groups assembled and rioted in the streets in opposition to the actions the United States has taken in the Middle East, condemned their desecration of the word of God, and demanded an apology. Reports claimed that the riots that took place in Afghanistan killed at least 16 people.³² The Koran is a book that religious Muslims respect as the literal word of God. Desecrating a symbol that not only suspected terrorists may hold dearly, but entire populations worldwide, in some respects transcends the cruel physical abuse that allegedly accompanies this type of interrogation practice and undermines the GWOT by delegitimizing the war effort further and portraying the United States as not only an oppressor of people, but an oppressor of ideology as well ultimately undermining the GWOT.

Similarly another alleged interrogation method that specifically attacked the beliefs of detainees surfaced in 2005 after former Army Sgt. Erik R. Saar came forward with an account of sex being used as a tool to “break” Muslim prisoners at Gitmo.³³ According to Saar’s account, on multiple occasions female interrogators would try to acquire information from detainees by sexual touching, wearing provocative clothing and in one case smearing a Saudi Arabian

³⁰ Williams, Daniel, and Kamran Khan. "Muslims Rally over Koran Report." *The Washington Post* (Washington, D.C.), May 28, 2005. <http://www.washingtonpost.com/wp-dyn/content/article/2005/05/27/AR2005052701521.html> (accessed April 10, 2011).

³¹ Ibid.

³² Ibid.

³³ Associated Press. "Sex allegedly used to break Muslim prisoners ." MSNBC.com . <http://www.msnbc.msn.com/id/6876549/> (accessed April 24, 2011).

detainee's face with fake menstrual blood.³⁴ This was essentially a tougher physical and psychological tactic to get terror suspects to talk. Saar claims that he witnessed these disturbing practices as an Arabic translator during approximately 20 interrogations.³⁵ According to the report it was common knowledge among the interrogators that the strict interpretation of Islamic law forbids a Muslim man from having physical contact with women other than their wife or family, and with any menstruating women because they are considered unclean. Therefore if the interrogator could play off of the detainee's beliefs while he was powerless and unable to "go before his God in prayer and gain strength" they would be to "break" him easier and acquire intelligence.³⁶ Once again reports of this type of torture that manipulates the beliefs of someone who is powerless exceeds the reports of the psychological and physical strain witnessed by the International Red Cross and divulged in the United Nations Human Rights Commission report. Together the reports go hand in hand to illustrate the popular vision of the United States as the hegemon of the international system and global oppressor.

So far, this paper has claimed that the policies under which Gitmo was established have successfully undermined the international community and the GWOT. By exploiting jurisdictional gaps and originally stripping detainees of their rights under the Geneva Conventions, the Bush administration essentially stamped "null and void" on the rights and freedoms it and so many other US administrations, have promoted throughout the world. This affectively undermined the major international institutions that have been established to provide order and cooperation in an anarchic system and reinforced the image of the United States as a global hegemon that plays by its own rules. The governing policies of Gitmo, or absence thereof, also contributed in large to the human rights abuses that were made public by the International

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

Red Cross and United Nations, as well as multiple independent accounts of abuse. At this point it is necessary to discuss how the consequences of Gitmo have affected the larger scheme of US public diplomacy and determine what the US must do to win over the “hearts and minds” of the world.

The importance of the public diplomacy of the United States is often a concept that is ignored in comparison to “hard power” capabilities. Former US Diplomat under the Kennedy administration, Edward Djerejian, defines public diplomacy as the “way the United States communicates its values and policies to enhance national security.”³⁷ It is essentially how the United States portrays itself to other nations and how it is perceived by those nations. Although Djerejian admits that public diplomacy can only account for part of the resentment the world may have for the United States, and understands that resentment stems primarily from real conflicts and displeasures with policies in the Middle East, it is nonetheless imperative to use public diplomacy as a tool for winning the hearts and minds of foreign populations.³⁸ At the center of the argument for public diplomacy is the belief in the importance of the use of more “soft power” instead of “hard power” in international relations. According to Joseph Nye’s conceptualization of “soft power,” it is the “power to shape, influence and determine others beliefs and desires, thereby securing their compliance.”³⁹ This definition of soft power contrasts with the idea of hard power, or military power. While military power does have the ability to coerce, soft power is the ability to attract, and attraction, according to Nye, leads to agreement.⁴⁰ But if guns and bullets are obviously the tools of hard power, what are the tools of soft power

³⁷ Djerejian, Edward . "Preface." In *Changing minds, winning peace: a new strategic direction for U.S. public diplomacy in the Arab & Muslim world : report of the Advisory Group on Public Diplomacy for the Arab and Muslim world*. West Bethesda, MD: Crossbow Press, 2007. 6.

³⁸ Ibid.,9.

³⁹ Lukes, Steven . "Power and the Battle for Hearts and Minds." *Millennium-Journal of International Studies* 33, no. 3 (2005): 484-486.

⁴⁰ Ibid.

and does the US have such tools? The tools of soft power revolve around the use of resources that produce attraction rather than coercion. Examples of these tools according to Nye are an attractive culture, ideology and institutions.⁴¹ In respect to the United States, the value of democracy, human rights and individual freedoms has long been the mantra by which US citizens and policy makers live their lives. Unfortunately, this is also the mantra that the armed forces of the United States march to as well, and the higher degree of emphasis on hard power has cancelled out the affects of soft power and exacerbated problems with US-Middle East relations.

With the concept of public diplomacy and its foundations established through soft power in mind, it is clear how the US establishment of Gitmo has effectively delegitimized some of the ideals and institutions that may have been used in public diplomacy efforts to win the hearts and minds in the Middle East. The Bush administration's circumvention of the United States legal system and exploitation of jurisdictional gaps undermined rights and values that the United States claimed to be ensuring in the Middle East. The concept of democracy and individual rights is a popular one, but is extremely hard to sell when tactics are being used that speak volumes to the hypocrisy of the very system that is being pitched. The GWOT was essentially marketed as a war between good and evil. However in this situation everything "good" that the protagonist in this war stood for was not dismantled by the antagonist, but by the protagonist itself. The United States established Gitmo and delegitimized the individual rights and freedoms it has claimed to stand for. This in conjunction with the reports of human rights abuses at Gitmo further facilitates the resentment for the United States abroad and damages efforts to not only win hearts and minds but combat terrorism as well. The intuitive adverse effective of the hypocrisy of Gitmo could possibly be the rallying of enemy combatants against the United States' GWOT through the

⁴¹ Ibid.

reinforcement of ill sentiments that classify the United States abroad as a repressive global hegemon.

For the most part, the general concept of a public diplomacy problem has been discussed over time. There have been suggested steps to rectify problems concerning public diplomacy that may be of use in regards to neutralizing the situation initiated by Gitmo. The first and foremost step to addressing a public diplomacy problem, as suggested by Edward Djerejian, is increasing the emphasis on public diplomacy within the structures of governmental agencies.⁴² It is clear that the scope through which the United States operates has been primarily that of hard power, realist ideology. Securing and maintaining power is crucial to the realist ideology in order to ensure the survival of a state. But this “power” is not specified. While it is assumed that every relative state will have some sort of military capability, wouldn't it be incredibly beneficial to invest in soft power that, according to Joseph Nye, is sometimes stronger than guns and bullets? Emphasizing public diplomacy in governmental agencies could help challenge the stigma of the United States as a global oppressor by utilizing an alternative to guns and bullets. In addition, Djerejian describes more specific recommendations on how to increase the emphasis on public diplomacy in the Middle East. These include most importantly, the addition of a professionally trained staff that is fluent in the language and dialect of the area they are assigned to work in and has an enhanced understanding of Muslim societies.⁴³ This would enable the United States to better understand the ways of life and communicate with populations of the Middle East. This step coupled with programs that support English language training, education and job

⁴² Djerejian, Edward . "Preface." In *Changing minds, winning peace: a new strategic direction for U.S. public diplomacy in the Arab & Muslim world : report of the Advisory Group on Public Diplomacy for the Arab and Muslim world*. West Bethesda, MD: Crossbow Press, 2007. 6.

⁴³ *Ibid.*,9.

opportunities will serve as useful instruments of outreach.⁴⁴ Public Diplomacy promotes the idea that by increasing the exposure the United States has with the Middle East, meaningful relationships will be established and maintained between ideologies and populations ultimately serving as a deterrent of hard power.

Finally, after investigating the establishment of the US detention facility in Guantánamo Bay, Cuba as a realist response to the September 11th attacks in 2001, it is clear that its existence has had serious ramifications on the image of the United States. What are some possible solutions that may help rectify the problems that Gitmo has created for the United States? The popular response to such a question primarily involves closing Gitmo and releasing or transferring prisoners either to institutions abroad or to the mainland United States. There are multiple problems with this suggested solution. Although, as previously reported, prisoners have been released and a portion of the detention facility has already been closed under the Obama administration, there are still multiple problems that surround releasing or transferring all prisoners. First, some prisoners that are released do not want to be released because they will be shunned in their home country for being a suspected terrorist.⁴⁵ Stigmatized, these types of prisoners want to stay at Gitmo because they have nowhere else to go. It is essentially too late for them to return home at this point. Secondly, some officials of the home countries of detainees have stated they do not want to receive former Gitmo inmates.⁴⁶ Thirdly, intelligence agencies have insisted transferring prisoners to the mainland United States, poses a serious threat to national security. On January 7, 2011 President Obama signed the Defense Authorization Bill that contained provisions restricting the transfer of prisoners from Gitmo to foreign countries or

⁴⁴ Ibid.10.

⁴⁵ Euronews. "Lost in Guantanamo ." Euronews. <http://www.euronews.net/tag/lost-in-guantanamo/> (accessed April 25, 2011).

⁴⁶ Ibid.

the mainland United States.⁴⁷ With this bill enacted, the President would first have to work with Congress to lift the restrictions on transference if he wishes to close Gitmo. On the other hand, if no countries are willing to accept transferred prisoners, it may not be possible to close Gitmo. But there may be another solution. The establishment of the US Naval Base at Guantánamo Bay was accomplished through a treaty following the Spanish-American war in 1898. Since the United States has already constructed the detention center and is still engaged in an ongoing Global War on Terror, there is still a need for an arena to detain suspected terrorists. The only way the United States will be able to work with Gitmo, is if they are completely transparent in doing so. While the Bush administration sought to capture those responsible for September 11th by any means necessary and authorized interrogation methods that were later identified as human rights abuses, the Obama administration must take an idealist approach rather than a realist approach in order to make Gitmo work. Idealism provides an altruistic perspective on human nature and claims the international system is a collective community instead of characterized by anarchy.⁴⁸ With this in mind, if the President Obama had to keep Gitmo open, he would need to incorporate the international community in the oversight of detainee trials, grant full access to more groups than just the International Red Cross and be overall more transparent by disclosing all information regarding interrogation methods and practices. President Obama essentially needs to administer Gitmo in the same manner as other US prisons. He may also need to grant the Gitmo detainees prisoner-of-war status under the Geneva Conventions. By guaranteeing basic rights to the accused, the United States will be on the right track to recertifying the problems the original policies that governed Gitmo created. Additionally, by increasing overall transparency

⁴⁷ Woolley, John, and Gerhard Peters. "Barack Obama: Statement on Signing the Ike Skelton National Defense Authorization Act for Fiscal Year 2011." The American Presidency Project. <http://www.presidency.ucsb.edu/ws/index.php?pid=88886&st=&st1=#axzz1KZmmtiXZ> (accessed April 25, 2011).

⁴⁸ Goldstein, Joshua, and Jon Pevehouse. "Power Politics." In *International Relations 2008-2009 Update*. Eighth Edition ed. New York: Pearson Longman, 2009. 43-45.

and international oversight, the United States would no longer be asking the world to trust a process being conducted at Gitmo that they are unable to see.

Overall, the establishment of Gitmo under the Bush administration created a legal black hole that undermined the international system and the GWOT. The only way to rectify the situation created by the existence of Gitmo without closing it is making it completely transparent and granting full access to international oversight. This would ensure the global community that Gitmo is a prison that is administered by the same rules and regulations the US legal system provides and guarantees. This is the only way Gitmo can shed its label as a center of human rights abuses. These types of measures in conjunction with an increased emphasis on “soft power” to help heal public diplomacy and win over the hearts and minds of the Middle East would not only help rectify the situation created by Gitmo, but also positively contribute to the GWOT by quelling some of the ill sentiments of the United States as a global oppressor. If the United States can re-establish itself in the Middle East as a world leader, not an oppressor, an increase in international cooperation could follow benefiting the GWOT by bolstering the efficacy of nations around the world. Although these solutions are idealist, they are nevertheless based on the evidence presented in this paper that the Guantánamo Bay detention center has undermined international institutions that are meant to promote stability and cooperation in the world in addition to having a negative impact on both the Global War on Terror and US public diplomacy. The evidence illustrates how Gitmo was established out of necessity as a result of US self-interest and resides in a legal black hole of hypocrisy while contributing little to the Global War on Terror by simultaneously providing an arena for human rights abuse. This has cancelled out any effect public diplomacy may have had initially by reinforcing the belief that the United States is an oppressor that makes its own rules in regards to international order. Upon the

assessment of the evidence presented, a viable solution for the United States regarding Gitmo, would be leaving it open and operational.