

# PRE-EMPTION AND INTERNATIONAL PEACE

Qadar Bakhsh Baloch\*

## Abstract

For almost 55 years, following the end of Second World War and the beginning of the cold war, U.S. foreign policy rested on the concepts of “deterrence and containment”. With the end of the Cold War and subsequent disintegration of the Soviet Union in 1991, the United States emerged as the world's only superpower. Nevertheless, during the administrations of Presidents Bush senior and Bill Clinton, U.S. foreign policy continued to rely on concepts of both deterrence and containment. After the trauma of 9/11-(whose real culprits are still shrouded in mystery) America redefined its foreign policy and articulated its national security strategy name plated as “*Bush Doctrine*” or “*Strategy of Preemption*”. The Doctrine called for offensive operations, including preemptive wars, against terrorists and their abettors, against the regimes that had sponsored, encouraged, or merely tolerated any "terrorist group of global reach." Afghanistan and the Taliban Government was the first victim of the new doctrine. Amongst the “Axis of Evil”, regime change in Iraq was given preference over remainders and Iran and North Korea are meriting future attention by the perpetrators of the doctrine.

This paper is based on the thesis that; the Bush Doctrine of preemption is discriminative in character and has promoted insurgency and created instability wherever it has been applied or even oriented. Besides questioning moral justifiability of the use of force and its contentious nature under international law the paper is hypothesized that instead deterring adversaries from developing WMD the Doctrine has actually accelerated the proliferation of WMD. It is more of a grand strategy of global hegemony and the deterrence of rivals under the guise of war on terrorism or *WMD* thus undermining long established system of international law, peace and security.

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## **PREEMPTION AND INTERNATIONAL PEACE**

*“Throughout the World, on any given day, a man, woman or child is likely to be displaced, tortured, killed or “disappeared”, at the hands of governments or armed political groups. More often than not, the United States shares the blame”<sup>1</sup>*

For almost 55 years, following the end of Second World War and the beginning of the Cold War, U.S. foreign policy rested on the concepts of deterrence and containment. With the end of the Cold War and subsequent disintegration of the Soviet Union in 1991, the United States emerged as the world's sole superpower. Nevertheless, during the administrations of Presidents George H. W. Bush and Bill Clinton, U.S. foreign policy continued to rely on deterrence and containment. After the trauma of 9/11- America redefined its foreign policy and articulated its national security strategy name plated as “*Bush Doctrine*” or “*Strategy of Preemption*”. The Doctrine called for offensive operations, including preemptive war, against terrorists and their abettors, against the regimes that had sponsored, encouraged, or merely tolerated any "terrorist group of global reach." Afghanistan and the Taliban Government was the first victim of the new doctrine.<sup>2</sup> Amongst the “Axis of Evil”, regime change in Iraq was given preference over the remainders and Iran and North Korea are meriting future attention by the perpetrators of the doctrine. In the President’s words, the United States would "not permit the world's most dangerous regimes to threaten us with the world's most dangerous weapons."

This paper is based on the thesis that; the Bush Doctrine of preemption is discriminative in character and has promoted insurgency and created instability wherever it has been applied or even oriented. Besides questioning moral justifiability of the use of force and its contentious nature

under international law the paper is hypothesized that instead of deterring adversaries from developing WMD the Doctrine has actually accelerated the proliferation of WMD. It is more of a grand strategy of global hegemony and the deterrence of rivals under the guise of war on terrorism or WMD. In what follows, after a summarized version of Bush Doctrine, an analysis would be revolved around searching answers of following questions:

- Is the Bush Doctrine compatible with customary international law and the United Nations Charter?
- Does preemption promote or diminish the role of diplomatic cooperation? Or does it strengthen or weaken the effectiveness of nonproliferation regimes in controlling proliferation of WMD?
- Does the preemption apply to all the so called rogue states or members of “Axis of Evil” or is it meant only for the weakest.
- Does this new strategy, referred to as the Bush Doctrine, is, morally justifiable response to terrorism? Does it provide the moral justification for the use of force as deemed prerequisite to the ethical tradition of just war? Or does the doctrine of preemption as a means of security against terrorism meet the criterion of just cause?
- Does the historic perspective support the contentions of Preemption as envisaged or unleashed by the Bush administration?
- Does the preemption succeed in keeping the target groups away from using subway cars, airliners, container ships or using trucks from attacking America or its allies including its interests? Is this the only way to end terrorism?
- Do the Americans feel more secure today in their places of work or leisure than they did the days before the Bush Doctrine was let loose?

- Who killed more innocent, defenseless people; the terrorists in the United States of America on September 11 with their flying bombs? Or the Americans in Afghanistan and Iraq with their cruise missiles, their daisy cutters, depleted uranium and their cluster bombs?
- What the US does to the world to make it make it hated so passionately? Is there any correlation between US interventions and increase in terrorist attacks against the US?

**Salients of the Doctrine:** The term *Bush Doctrine* initially referred to the policy formulation stated by President Bush immediately after the September 11, 2001 attacks that the U.S. would "*make no distinction between the terrorists who committed these acts and those who harbor them*", However with the passage of time it was further unveiled in bits and pieces through formal statements of US government, presidential speeches and policy statements including recent National Security Strategy 2006. Glimpses of these building blocks of the doctrine are:

- “The United States of America is fighting a war against terrorists of global reach. The enemy is not a single political regime or person or religion or ideology. The enemy is terrorism— premeditated, politically motivated violence perpetrated against innocents.”<sup>3</sup>
- “History will judge harshly those who saw this coming danger but failed to act. In the new world we have entered, the only path to peace and security is the path of action.”<sup>4</sup>
- “The deliberate and deadly attacks which were carried out yesterday against our country were more than acts of terror. They were acts of war.”<sup>5</sup>
- And we will pursue nations that provide aid or safe haven to terrorism... Every nation, in every region, now has a decision to make. *Either you are with us, or you are with the terrorists.* From

this day forward, any nation that continues to harbor or support terrorism will be regarded by the United States as a hostile regime...<sup>6</sup>

- “... Defending the United States, the American people, and our interests at home and abroad by identifying and destroying the threat before it reaches our borders. *While the United States will constantly strive to enlist the support of the international community, we will not hesitate to act alone ...by acting preemptively against such terrorists*, to prevent them from doing harm against our people and our country”.<sup>7</sup>
- "First, we will shut down terrorist camps, disrupt terrorist plans and bring terrorists to justice. And second, we must prevent the terrorists and regimes who seek chemical, biological or nuclear weapons from threatening the United States and the world”.<sup>8</sup>
- Bush also linked North Korea, Iran, and Iraq as states that sponsor terrorism and pursue weapons of mass destruction (WMD) and hinted at U.S. action against Iraq.

“North Korea is a regime arming with missiles and weapons of mass destruction, while starving its citizens. Iran aggressively pursues these weapons and exports terror, while an unelected few repress the Iranian people's hope for freedom. *Iraq continues to flaunt its hostility toward America and to support terror.*<sup>9</sup> The Iraqi regime has plotted to develop anthrax and nerve gas and nuclear weapons for over a decade. This is a regime that has already used poison gas to murder thousands of its own citizens, leaving the bodies of mothers huddled over their dead children. This is a regime that agreed to international inspections then kicked out the inspectors. This is a regime that has something to hide from the civilized world”.<sup>10</sup>

- “The gravest danger to freedom lies at the perilous crossroads of radicalism and technology\*. ----When that occurs, even weak states and small groups could attain a catastrophic power to strike great nations (*Afghanistan and Iraq did not bomb the U.S. – it was the other way around*). Our enemies have declared this very intention, and have been caught seeking these terrible weapons (while America itself has been caught literally using these terrible weapons). They want the capability to blackmail us, or to harm us, or to harm our friends -- and we will oppose them with all our power”<sup>11</sup>. \* (*Are these emerging threats linked to dangerous technology which was used by the hijackers on 9/11: few dollars worth plastic box cutters, knives-to seize airliners and crash them into the Towers and the Pentagon. Destruction of "emerging threats" means license to assassinate any "radical" associated with "dangerous technology", therefore be watchful what you say when you are shaving or cutting fruits.*)
- National Security Strategy- March 2006 like the 2002 version explicitly insists that the place of preemption in national security strategy remains the same with specific reference to the danger of WMD. The strategy leaves no bones in hiding its future intention about Iran. (For a detailed account see the next article “Bush Renews His War Manifesto”).

**Analysis of the Doctrine** reveals that it is an ambiguous expression designed to establish a new world order under the U.S. hegemonic leadership. It has made UN Charter redundant, which was trying to outlaw the wars of aggression as a instrument of change in international affairs. It establishes new precedent of imperialistic approach thus undermining long established system of international peace and security. It replaced the dominance of deterrence in US foreign policy with pre-emption when, President Bush

declared at West Point that “in some cases deterrence still applied, new threats required new thinking....”<sup>12</sup>. Laterally in his address to the UN General Assembly, while spelling out his case for pre-emption against Iraq: “ The first time we may be completely certain, [that Saddam] has a nuclear weapon, God forbids, he uses one; we owe it to all our citizens to do every thing to prevent that day from coming....”<sup>13</sup> The doctrine has been extensively publicized as policy response to the heinous act of September 11 and designed to ensure America’s security in changing international security scenario and peace perspectives.

U.S. imperialism’s overwhelming military strength vis-à-vis its friends and foes conferred an enormous – really historically unprecedented – advantage to shape and reshape the world in the interests of U.S. transnational corporations. Never, according to scholars of international affairs, has a state possessed such superior forces compared to its rivals. This fact, perhaps more than any other, encouraged the extreme right to begin the process of overhauling the U.S. strategic doctrine. With this new state of military-strategic orientation, White House and Pentagon aim to bring about a qualitative and permanent change in the world balance of forces, thereby allowing U.S. imperialism and its transnational corporations to absolutely dominate the world for a prolonged period of time. **The Salient Features of the Doctrine** can be summed up as follow:

1. Pre-emptive strikes generally are a legitimate and favored method of warfare against states that supposedly pose a threat to the security interests of the U.S. The concept of pre-emption, which has always been the active part of U.S. policy, has been further elevated to a central role, on the grounds that the nation cannot wait for terrorists to strike in order to defend ourselves, but must hit them first to preempt the threat. Eliminate the threat at its source before it is manifested and

preemption is particularly legitimized when the linkage between terrorism and the proliferation of weapons of mass destruction is recognized.

2. The doctrine sanctions the first strike use of nuclear weapons in a range of military situations therefore, setting new trends in warfare. Nuclear weapons have moved to a position of weapons of first resort rather than last resort now. The approach is further strengthened from the Bush decisions to withdraw from ABM treaty and renewal of National Defence Initiative.
3. Unilateralism is preferred over multilateralism. Foreign occupations or military actions are to be backed by coalition of like-minded governments or collusion of willings when required to protect American interests and those of allies. A dangerous concept of “either with us or against us”<sup>14</sup> is introduced in international communications.
4. The role of the United Nations has been considerably reduced. International law, treaties and obligations that constrain the ability of the administration to act in a decisive manner wherever and whenever it chooses are to be ignored and have shown its resolve “not hesitate to act alone”<sup>15</sup>. According to Lee Feinstein, a senior fellow for U.S. foreign affairs and international law at the Council on Foreign Relations, “We used to say in the Clinton administration, when it came to the use of force, ‘*With others when we can, alone when we must.*’ This administration puts it the other way around: ‘*alone when we can, with others when we must.*’”<sup>16</sup> In other words, the Bush Doctrine, in reality, sets America apart from the laws and regulations that bind other nations.
5. The approach prevents the emergence of a rival state power – be it friend or foe. The doctrine proclaims that the U.S. will take whatever measures are necessary to insure its supremacy over any other country or combination of countries, especially in military terms.



Overwhelming power and a demonstrated willingness to use it, the policy implies, will intimidate American friends and enemies alike into cooperation and compliance on key international objectives. It makes no distinction between the terrorists who committed these acts and those who harbor them,<sup>17</sup> hence declaring the right to violate the principle of nonintervention that is central to UN Charter.

6. International conflicts may be resolved through the use of military force without waiting for diplomatic pay offs or giving chance to international law to prevail. Former American Vice President Al Gore rightly condemns Bush's doctrine:

“President Bush now asserts that we will take pre-emptive action even if we take the threat we perceive is not imminent. If other nations assert the same right then the rule of law will quickly be replaced by the reign of fear -- any nation that perceives circumstances that could eventually lead to an imminent threat would be justified under this approach in taking military action against another nation. An unspoken part of this new doctrine appears to be that we claim this right for ourselves -- and only for ourselves. It is, in that sense, part of a broader strategy to replace ideas like deterrence and containment *with what some in the administration "dominance."* *“This is because President Bush is presenting us with a proposition that contains within itself one of the most fateful decisions in our history: a decision to abandon what we have thought was America's mission in the world -- a world in which nations are guided by a common ethic codified in the form of international law -- if we want to survive.”*<sup>18</sup>

7. The doctrine of preemption is based on the idea that in the era of proliferating WMD, and against the background of a sophisticated terrorist threat, the United States cannot wait for proof of a fully

established physical threat but should rather act at any point to cut that short.

8. The radical idea being touted by the White House and Pentagon is that the United States has the right to use military force against any state that is seen as hostile or makes moves to acquire weapons of mass destruction--nuclear, biological or chemical.
9. End of the policy of nuclear mutual deterrence. "For much of the last century, America's defense relied on the Cold War doctrines of deterrence and containment. In some cases, those strategies still apply. But new threats also require new thinking. Deterrence -- the promise of massive retaliation against nations -- means nothing against shadowy terrorist networks with no nation or citizens to defend. Containment is not possible when unbalanced dictators with weapons of mass destruction can deliver those weapons on missiles or secretly provide them to terrorist allies."<sup>19</sup>
10. *Initiation of a worldwide crusade for liberty and Western style of democracy through regime change*<sup>20</sup> While couched in the language of "defense" and "liberty" the Bush doctrine is an extreme departure from the previous Truman doctrine of containment to limit Soviet influence , and even the Reagan doctrine of roll back to reverse Soviet influence. The Bush doctrine is based on undefined conspiratorial enemies "shadowy networks of individuals and overlapping states. Depth of threats, the Doctrine encompasses is the whole world, indicative of imperial policy and global conquest.
11. Pursuit of a policy of American military supremacy thus renewal of American Imperialism. Formar Vice President Al Gore rightly opines, "It is more important to note the consequences of an emerging national strategy that not only celebrates American strengths, but appears to be glorifying the notion of dominance. If what America represents to the world is leadership in a commonwealth of equals, then our friends are

legion; if what we represent to the world is empire, then it is our enemies who will be legion.”<sup>21</sup>

12. Role of diplomacy in protecting and promoting of stability in international relations has been relegated to the lowest ebb. It seems, to them that instability, may well offer opportunities to project U.S. military power to distant corners of the globe. National and international public opinion provoking mass opposition doesn't limit the foreign policy makers in the White House or Pentagon..
13. Active protection , promotion and preservation of American economic interests at all cost around the world thus linking the Doctrine of to a strategy of global hegemony. Zalmay M Khalilzad while dwelling upon “*From Containment to Global Leadership*” stresses:

*“A global rival could emerge if a hostile power or coalition gained hegemony over a critical region. Therefore, it is a vital U.S. interest to preclude such a development through a willful use of force for the purpose. A region can be defined as critical if it contains sufficient economic, technical, and human resources so that a hostile power that gained control over it could pose a global challenge. U.S. global dominance demands that “rogue” States undergo regime change in order to preclude a regional rival and to preempt terrorism.”*<sup>22</sup>

In short the Doctrine constitutes a profound movement away from a policy of deterrence and containment to preemptive/ aggressive strike, from democratic norms to imperialism, from multilateralism to unilateralism, from globalization of market to colonialization of others resources and monopolization of markets, from isolationist tradition to interventionist and from equal member state of United Nation to U.S. global hegemony coded as global leadership.

## **Violation of International Law**

In international law there is a distinction between preemption and prevention. *Preemption* is the use of force when an imminent threat exists, and as the Bush's policy document states, is legal. *Preventive attack*, on the other hand, is the use of force when no imminent threat exists. For example, the 1941 sneak attack on Pearl Harbor was regarded as a preventive strike from Japan, because the Japanese were seeking to block a planned military buildup by the United States in the Pacific. If today Bush is right in attacking Baghdad then how could Pearl Harbor be recorded in American's history as an act of dishonorable treachery. Therefore, one argues that Bush's policy is preventive in character therefore, in violation of international law.<sup>23</sup> Henry Kissinger stated in the Chicago Tribune that an attack in the absence of imminent threat "runs counter to international law, which sanctions the use of force only against actual, not potential threats."

The doctrine means the end of the system of international institutions, laws and norms that the international community including United States has worked for more than half a century to build. Rather than continuing to serve as first among equals in the postwar international system, the United States would act as a law unto itself, creating new rules of international engagement without agreement by other nations. "International norms have been developing over centuries precisely to steer the international order away from such destabilizing processes."<sup>24</sup>

Under the UN Charter, there are only two circumstances in which the use of force is permissible: in collective or individual self-defense against an actual or imminent armed attack<sup>25</sup>; and when the Security Council has directed or authorized use of force to maintain or restore international peace and security. Neither of those circumstances existed to occupy Iraq therefore, US use of force against Iraq is unlawful.<sup>26</sup>

Article 51 of the UN Charter recognizes the inherent right of self-defense. It states:

*“Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a member of the United Nations, until the Security Council has taken measures necessary to maintain international peace and security. Measures taken by Members in the exercise of this right of self-defence shall be immediately reported to the Security Council and shall not in any way affect the authority and responsibility of the Security Council under the present Charter to take at any time such action as it deems necessary in order to maintain or restore international peace and security.”*

Under Article 51, the triggering condition for the exercise of self-defense is the *occurrence* of an armed attack. Proponents of the Doctrine interpret Article 51 to permit anticipatory self-defense in response to an *imminent* attack. Hugo Grotius- founder of modern international law writes in ‘*De Jure Belli Ac Pacis*’ that “*war in defence is permissible only when the danger is immediate and certain, not when it is merely assumed*”.<sup>27</sup> Further he writes, “the danger must be immediate and imminent in point of time”<sup>28</sup>. A generally recognized guide to the conditions for anticipatory self-defense is Daniel Webster’s statement regarding the *Caroline* affair of 1891.<sup>29</sup> US Secretary of State Daniel Webster’s argued that Self-defense is justified only when the “necessity for action is instant, overwhelming, and leaving no choice of means, and no moment for deliberation.”<sup>30</sup>

The development of the law, in the last nearly 115 years since the *Caroline* incident, suggests that if the self defence involves use of armed force and the violation of another state’s territory, can only be justified under international law where:

- a. An armed attack is launched, or is immediately threatened, against a state’s territory or forces.
- b. There is an urgent need for defensive action against that attack

- c. There is *no practicable alternative* to use of force as self-defence, and other authority which has the legal powers to stop or prevent the attack does not, or cannot use them to that effect.
- d. The action taken by way of self-defence is limited to what is necessary to stop or prevent the infringement, *i.e.* to the needs of defence...

The application of the international law regarding self-defense to the present U.S. confrontation with Iraq is straightforward. Neither, Iraq attacked on any state, nor was there any showing whatever that an attack by Iraq was imminent. Furthermore, the Security Council authorized an armed response to Iraq's invasion of Kuwait in 1991, and later asked Iraq to end its missile and chemical, biological, and nuclear weapons programs. Thus necessary measures were already taken by the Security Council to maintain international peace and security under UN Charter.<sup>31</sup> Therefore self-defense did not justify the use of force against Iraq. There is no basis in international law for indifferent expanding of the concept of self-defense as advocated in the Bush administration's *National Security Strategy-2002*, which authorizes preemptive strikes against states based on *potential* threats arising from possession or development of chemical, biological, or nuclear weapons and presumed links to terrorism. Such an abuse or misuse of UN Charter had undermined the faith of international community upon the international law and destabilized the UN. Furthermore, all of their manipulated claims and intelligence architected that Iraq was supplying weapons of mass destruction to terrorists have been falsified by their own intelligence networks once "the mission was accomplished".

Under the new Bush doctrine, India- a regional nuclear power would be authorized to invade Pakistan or Bangladesh, Israel to invade the entire Middle East, and Russia to attack Georgia. In fact, Russia has already

referenced the new doctrine in threatening to attack Georgian territory, where they claim Chechen rebels have taken refuge. Furthermore, the fear that a hostile nation might be contemplating a preemptive attack could easily provoke a nation to attack. Russia's assertion of the right to launch preventive attacks against terrorists outside the country has raised new questions about whether the war on terror is eroding international law.<sup>32</sup> A Russian official's statement on preemptive strikes drew an immediate word of caution from UN Secretary-General Kofi Annan. Kofi Annan termed the issue of unilateral preventive action as a major threat to the UN's standing as the main forum for international security decisions. Similarly in 2003, Annan also expressed alarm at the US preemption doctrine in a speech to the UN General Assembly. The Bush administration's reliance on the need for "regime change" in Iraq through use of force is also barred by the UN Charter, which prohibits "the threat or use of force against the territorial integrity or political independence of any state."<sup>33</sup>

### **Doctrine of Imperialism**

The Anglo-American attack on Afghanistan followed by occupation of Iraq crosses new boundaries. It is evident from the last six years dispositions and maneuvers of American as well as NATO forces that the ultimate goal is not the capture of fanatics, but the acceleration of Western imperial power where the moral claims of imperialism are seldom questioned. It is not long ago when Imperialism and the global expansion of the Western powers were represented in positive terms as a major contributor to human civilization. Today, inhuman face of imperialism is being projected as crisis management rather than the cause of the crisis in Iraq, Afghanistan, Palestine, Haiti and elsewhere. Real causes of 9/11 are being overlooked, and hawks are not ready to admit publicly that the attacks on the World Trade Center were the direct result of the ravages of imperialism.<sup>34</sup> Today America's imperialistic

wars are though backed by the perpetual threat of military attack on any country without legal pretext but, is continuation of the same old dirty play of imperialistic motives. It is the same inhuman face of the imperialism with same B-52 bombers bombing in Afghanistan and Iraq that destroyed much of Indochina 35 years ago. Does Bush want to replicate the same action which took place in Vietnam- where the United States dropped 6,727,084 tons of bombs on Indochina, more than triple of what was dropped on all of Europe and the entire Pacific theater in the Second World War.<sup>35</sup> As per the estimation of former US Secretary of Defense Robert MacNamara that 3.4 million Indo-Chinese died during the war.<sup>36</sup>

In Cambodia alone, the US dropped 540,000 tons of bombs, killing anywhere from 150,000 to 500,000 civilians beneath American bombs.<sup>37</sup> These B-52s are being refueled in the same Diego Garcia in the Indian Ocean where the British government thirty-five years ago, expelled the entire population of the island in order to hand it to the Americans as a nuclear arms dump and a base for its long-range bombers. From which it could police the vast oilfields of the Middle East and the Caspian Sea stretching from Algeria and Libya in the West to Afghanistan and Pakistan in the east, from Kazakhstan and Russia in the north to Saudi Arabia and Yemen in the south.<sup>38</sup>

Proponents of academic freedom and political independence seem to have refuge underground. No one tells that where are the claimants of national freedom, proponents of self-determination and democratic norms of Western civilization have gone? No one dares to refute or as some one put it: "It is dangerous to be right when the government is wrong." The government and media are billing America's New War as a conflict against "terrorism" and President George calling it an effort to "bring our enemies to justice or bring justice to our enemies."<sup>39</sup> But justice is one thing the U.S. has never



delivered particularly in the Middle East. Justice from American Empire has meant shallow graves and shattered lives in Indo China, Palestine, Iran, Iraq, Afghanistan, and most parts of the world. The clearest U.S. violation of the rules of war in execution of Bush Doctrine is the widespread U.S. bombing through use of air and artillery against villages throughout southern Afghanistan, and Iraq is not only in violation of Geneva Convention -1949 but also of the U.S.-ratified 1907 Hague Convention<sup>40</sup> which states that "the attack or bombardment, by whatever means, of towns, villages, dwellings, or buildings which are undefended, is prohibited." Uncounted Afghans and Iraqis are burned alive by American napalm, buried alive by our 1500 pound bombs / Desy cutters, shredded by anti-personnel mines and bombs, and obliterated by coalition's artillery shells. In Vietnam, it was, "We had to destroy the village to save it."<sup>41</sup> With Iraq, it is President Bush's statement of last week that "the more successful we are on the ground, the more these killers will react!".<sup>42</sup> Jay Bookman, editor of the Atlanta Journal Constitution, San Francisco opines:

"In essence, it [Bush's military strategic policy] lays out a plan for U.S. military and economic domination of every region of the globe, unfettered by international treaty or concern. And to make that plan a reality, it envisions a stark expansion of our global military presence."<sup>43</sup>

In a similar tone, G. John Ikenberry warns of the consequences for the U.S. new role in world affairs:

*"America's nascent neo imperial strategy threatens to rend the fabric of the international community and political partnerships. ... It is an approach that is fraught with peril and will likely fail. It is not only politically unsustainable but diplomatically harmful. And if history is a guide, it will trigger antagonism and resistance that will leave America in a more hostile and divided world."*<sup>44</sup>

### **Source of Proliferation and Confrontation**

Can the strategy of preemption prevent the so called rogue states from acquiring WMD? Unfortunately the answer is No. In practice it doesn't

work, in principal it breaks all existing rules and weakening the role of diplomacy and nonproliferation regimes. Iraq, while having nuclear ambitions only<sup>45</sup> was preemptively destroyed, occupied and devastated, but the US has no plans (even iota of intentions) to risk attacks against North Korea despite having evidence that North Korea is developing or possessing WMD. James Kelly, US Assistant Secretary of State for Pacific Affairs declared before the press, “Bush made it clear that we have no intention or plans to attack or invade North Korea”.<sup>46</sup> Israel, having long record of aggression and violation of international law is also a de-facto stockholder of WMD. Instead ranking Israel in wanted list under the Doctrine, “it has been the largest annual recipient of direct economic and military assistance and since its inception, has bagged to the tune of well over \$ 140 billions.”<sup>47</sup>

Realization of preemptive strike so far has set a bad precedent for international community. It has provided a window of opportunity to aggressors to settle their score through use of force e.g. Israel against Arabs, India against Pakistan, and North Korea against South Korea and so on. By using tactical nuclear weapons or bio weapons US has lost moral grounds to prohibit other nations from acquiring or using WMD. Decades tested Deterrence succeeded in putting restrains due to the fear of “mutually assured destruction” but preemptive strike has introduced the concept of “unilaterally assured destruction” thus letting loose the powerful as of jungle law. If the WMD proliferation or terrorism is global problem, then let the global community solve it and avoid unilateral action. Diminish the underlying conditions that spawn terrorism or yield quest for WMD. Diminishing these conditions demands unconditional security assurance to non nuclear weapon states, building spirit of equality and mutual trust, provision of environment which is free from coercion, poverty, disparity, discrimination, hatred, and exploitation that so often breed terrorist.

It seems pertinent to quote, Richard Perle, who at the start of the war in Iraq published an eulogy for international law:

*"What will die is the fantasy of the UN as the foundation of a new world order. As we sift the debris, it will be important to preserve, the better to understand, the intellectual wreckage of the liberal conceit of safety through international law administered by international institutions."<sup>48</sup>*

## **Conclusion**

The Bush administration's strategy is not only inherently dangerous in its implications for tactical nuclear use rather, unilateral preemptive approach has set a precedent for other states to follow, opening the door to any state to unilaterally and preemptively target its enemies. The United States could also be one such target at any point of time if the approach is allowed to continue. Today nearly five years to 9/11, one can judge the US response to as a failure of its own kind. The Bush administration has failed to achieve justice for the victims. The alleged master brain behind the Twin towers is still at large and citizens of USA feel even more insecure today. International law is at risk with deleterious ramifications for global security. Mr. Calvin Trillin vision suits to end the article:

The terrorism war begins to sag.  
The perpetrator we were meant to bag  
Remains at large, and wartime fervor fades.  
Then Bush and all his hawkish White House aides  
Drop sanctions as the way to tame Iraq  
And say, 'without delay, we must attack.  
If that war sags, there's still a backup plan.  
It's war without delay against Iran.  
And when the zest for that war, too, has faded?  
That's easy: North Korea gets invaded.  
But then it's hard to think of what to do.  
Destroy Bahrain? Bomb France? Invade Peru?<sup>49</sup>



## End Notes

- 1 .
- 2 . Amnesty International, 1996
- 3 . Although the Taliban government offered to hand over Osama bin Laden if they were shown proof of his involvement in September 11 attacks and also offered to extradite bin Laden to third country where he would be tried under Islamic law, their refusal to extradite him to the US with no preconditions was considered justification for invasion. This policy implies that any nation that does not take a pro-active stance against terrorism would be seen as supporting it.
- 4 . *The National Security Strategy of the United States* The White House, September 2002. Available at: <http://www.whitehouse.gov/nsc/nssall.html>
- 5 . ibid
- 6 . George W Bush remarks in *Photo session with the National Security Team at White House*, September 12, 2001; Available from <http://www.whitehouse.gov/news/releases/2001/09/20010912-4.html>.
- 7 . George W. Bush, "Address to a Joint Session of Congress and the American People," September 20, 2001, <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>
- 8 . ibid
- 9 . Bush, "State of the Union," January 29, 2002
- 10 . Iraq was occupied in 2003, mainly basing on this reason however, post war occupation forces could not find any trace s –linking Saddam with Al Qaida and WMD. Recently USA's Senate Committee has formally declared that Saddam's Iraq has no link with Al Qaida.
- 11 . ibid
- 12 . George W Bush, *Remarks at Graduation Exercise of the United States Military Academy West Point, New York*. available at : <http://www.whitehouse.gov/news/releases/2002/06/20020601-3.html>., p. 2
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Are preemptive actions approved by the international community lawful? Can States act unilaterally or in a coalition of the willing to preempt terrorism, the development and transfer of WMD, or other threats? crimes against peace contained in the Charters of the International Military Tribunals at Nuremberg and Tokyo.<sup>25</sup> What the Kellogg-Briand Pact did not do was supply an enforcement mechanism. peace and security. In light of this liberality, it would be incongruent to narrowly construe the scope of uses of force forbidden by article 2(4). Moreover, the Charter's travaux preparatoires reveal that inclusion of the territorial integrity and political independence verbiage occurred during the San Francisco Conference at the behest of several smaller States. Pre-emptive engagement for peace. Share. Resolution adopted at the EGP Council, Rome, 20-22 February 2004. (.pdf). Whereas the Charter of the United Nations grants every state the right to legitimate self-defence in response to an armed attack "until the Security Council has taken measures necessary to maintain international peace and security". Whereas Iraq at that time did not present an imminent threat to world peace and the government of the United States, Great Britain and their allies ordered to attack Iraq on the basis of wrong allegations possible military operations are in accordance with the UN Charter and international humanitarian law. To maintain international peace and security, and to that end: to take effective collective measures for the prevention and removal of threats to the peace, and for the suppression of acts of aggression or other breaches of the peace, and to bring about by peaceful means, and in conformity with the principles of justice and international law, adjustment or settlement of international disputes. or situations which might lead to a breach of the peace. In so far as talk of a doctrine of "pre-emption" is intended to refer to a broader right of self-defense to respond to threats that might materialize at some time in the future, such a doctrine has no basis in law. 32. 81 RC (1952-II) 496-98. 33. 92 RC(1957-II) 171. maintain or restore international peace and security. Although the basic contours of Article 51 seem straightforward, its effect on the customary right of anticipatory self-defense is unclear. established rule of customary international law prohibiting the preemptive use of force when undertaken in anticipatory self-defense. If anything, there. If this is indeed the case, then the Bush doctrine of preemption does not violate international law because the charter framework is no longer reflected in state practice. Options for Policy.