

The Bush Doctrine: Creating Discord in International Security

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The task [humanitarian intervention] should remain on the [security] council. albeit a council more representative of today's realities. But it is made more difficult by the assertion by the U.S. administration of the right to pre-empt through unilateral intervention where there might be a perceived threat, particularly in response to terrorists with the potential to use weapons of mass destruction. Such an assertion, if unchallenged will destroy the carefully constructed international restraints against forceful actions, and set a precedent for anyone to make the claim (Axworthy 2004, 409-410).

Introduction

The Bush doctrine of pre-emptive strike, as outlined in the National Security Strategy of the United States of America (NSS), may cause discord in international security, and sets a dangerous precedence for others to follow, notably in nuclear South Asia. The NSS was created in September of 2002. It is derived from the independent internationalist approach. The document outlines principles that will guide a new American foreign policy. The NSS states that the right to defend should extend to pre-emptive attacks against potential aggressors, cutting off planned, perceived or future attacks before they can occur (Government of the United States 2002, 1). The pre-emptive strike policy is a component of what is known as the Bush doctrine. Because in the NSS there is no clear definition of what entitles a "sufficient threat to [U.S.] national security", the Bush doctrine clearly allows for arbitrary implementation (Government of the United States

2002, 1). Due to the United States implementing the Bush doctrine in Iraq, a dangerous precedence may have been set for future conflicts. This doctrine could be applied in situations between India-Pakistan, North Korea-Japan, and other conflicts. Instead of the previous American non-confrontational security strategies of deterrence, isolation, containment, and collective security, the new pre-emptive doctrine is built upon the concept of aggression and confrontation. Of course there were exceptions to these strategies in North Korea in the 1950s, Vietnam in the 1960s-70s and the Persian Gulf War of 1992. What has changed is the justification for interventions. Instead of needing a visible, imminent threat to launch a counter-attack, a visible threat is no longer needed under the Bush doctrine. The doctrine is guided by the independent internationalist approach that allows self-interest to guide actions and the ability to only use multilateralism as necessary. This will undoubtedly lead to an escalation in conflicts and a less secure global community.

In order to clarify some possible misunderstandings as this paper progresses some key concepts must be discussed. First, the question to be addressed is the nature of multilateral action. This paper argues that in order for an action to have proper multilateral assent, the United Nations must be involved in the decision making process (Axworthy 2004, 197). The reason why the use of the UN is essential is because, in regards to membership and participation, it is the largest international organization.¹ However, a point can be conceded that the UN Security Council, which is mandated to deal with security issues, for a long time has been in need of reformation (Otunnu 1995, 302-306). There have been several instances where the permanent member status has allowed one nation to prevent a resolution or even a vote at the Security Council from mandating multilateral action such as the conflicts in Bosnia, Kosovo and Vietnam (an issue was never even brought up in the UN). David Halberstam writes that the UN Security Council could not move a resolution on Kosovo due to the likelihood of a Russian veto (Halberstam 2001, 397). Due to the illegitimacy and the ability of the veto to prevent UN action, and due to the fact that it is unlikely that permanent status will be reformed because UN reformation is subject to the veto, a two-thirds *majority* decision in the UN

¹No other international organization can boast the membership of 192 states

Security Council should constitute proper multilateral legitimacy. An overwhelming majority decision may fail in the UN Security Council due to a veto by a permanent member, but that would allow for a regional organization such as NATO to assume control to facilitate the majority decision, as was the case in Kosovo? This course of action would be the only way to legitimately exercise a multilateral mandate in the exertion of force and impeding state sovereignty. Based upon the Responsibility to Protect doctrine, which will be discussed later, the course of action through the UN Security Council outlined above is the only way to properly execute a pre-emptive strike in accord with multilateralism, and under the auspices of humanitarian intervention

The definition of international stability for this paper is defined as the absence of large scale interstate armed conflict. Since the end of the Cold War, there has been an increase of low intensity, intrastate conflict as opposed to large scale interstate conflict (Hampson 2002, 10). It is argued that the relative absence of large scale interstate conflict, since the end of the Cold War, there is a fragile international stability presiding (Hampson 2002, 10). However, this paper argues that there are several instances around the world where the pre-emptive strike has the possibility of creating instability. Places such as India-Pakistan, North Korea-Japan, China-Taiwan, and more.

This paper will use the lens of the independent internationalist perspective to understand the actions of the United States. This paper will first look at the components and principles of the NSS: its principles, meanings and aspects of its formulation. This paper will then look at the implementation of the NSS in Iraq; the arguments used for its justification, the outcome and precedence. This part of the paper will also involve a content analysis to understand the justification of the war through public speeches from American officials. Finally this paper will test the principles of the NSS using the independent internationalist framework, as applied in Iraq, to the situation in nuclear South Asia (India-Pakistan conflict). Applying the Bush doctrine to the conflict in South Asia will demonstrate

²Only the Russian veto prevented the resolution, therefore NATO led the intervention.

how these countries may be provided the justification to launch pre-emptive strikes due to an independent internationalist approach, and the arbitrariness of the NSS principles. The three parts to this paper will ultimately lead to the conclusion that the NSS of the United States, more specifically the pre-emptive strike policy, can easily be abused by independent internationalists and may lead to greater conflicts.

The theoretical approach that this paper will take in analyzing the NSS is the independent internationalist framework. This approach is described by Joan Hoff. Basically what the independent internationalist framework suggests is that the United States only pursues multilateralism and diplomacy when it wishes (Hoff 1999, 285). This framework suggests the pursuit of multilateralism only occurs when the United States cannot or chooses not to use unilateral action, which is rarely (Hoff 1999, 285). Hoff further claims that “it is in these short-lived and usually opportunistic times of cooperation that the dual shibboleths of self-determination or self-government wrapped in the rhetoric of democracy prevail in American foreign policy discourse (Hoff 1999, 285).” But once again she reiterates that the United States’ “first inclination” is to act unilaterally wherever possible and cooperate with others only when necessary (Hoff 1999, 285). The reason for which this is problematic is because in a uni-polar world, the world superpower should pursue a more responsible and accountable foreign policy.

This theory fully explains the reasons and the implementation of the NSS of the US. The United States has a history of being both for and against the multilateralist approach according to its national interests. The United States has been against previous massive multilateral creations such as the International Criminal Court and the Anti-Personnel landmines treaty. The Bush administration has deepened and favoured the unilateral approach in a fashion that was not seen in the recent past. Though the multilateral approach has been dismissed in most actions by President George W. Bush’s administration, there is an attempt to word the NSS in accordance with the principles of the multilateralist approach. This would allow the application of the NSS to be either multilateral or unilateral as the situation demands, as the independent internationalist approach prescribes. Joseph Nye Jr. argues that the United States should use the multilateralist

approach “as a way to legitimize its power and to gain broad acceptance of its new strategy” (Nye Jr.2003, 60). Creating an illusionary multilateralist approach with the creation of coalitions will allow the United States to prevent itself from being scrutinized for unilateral interventions and actions, while at the same time, unilateral action is not beyond the principles outlined in the NSS. This aspect of the NSS will be explained as the paper progresses.

The National Security Strategy of the United States of America History

The concept of intervention has emerged since the end of the Cold War and the re-conceptualization of state sovereignty. Incidences in Haiti, Somalia, Rwanda, Bosnia and Kosovo are argued to have changed the global perception on intervention (Feinstein and Slaughter 2004, 136). The customary international norm of respecting state sovereignty was redefined due to the atrocities that occurred in the 1990s. Based upon the urgings of United Nations (UN) Secretary General, Kofi Annan, the Canadian government created a commission headed by Australian Foreign Minister Gareth Evans and Annan’s Special advisor Mohamed Sahnoun, to figure out a way to respond to human rights abuses such as genocide (Feinstein and Slaughter 2004, 136). In December of 2001, the commission discovered that there was a gap between human suffering and rules and mechanisms for managing world order (Feinstein and Slaughter 2004, 136). The commission then created what was called the doctrine of the Responsibility to Protect, legitimizing interventions into a sovereign state’s affairs on the concept of humanitarian responsibility. The argument used for intervening in another sovereign state’s affairs is due to the immunity many nations, such as the former Yugoslavia and Rwanda, received while genocide, ethnic cleansing and war crimes were being conducted. This doctrine argued that national sovereignty should no longer be a shield for tyrants, and that nations should act more quickly to prevent atrocities from being committed (Feinstein and Slaughter 2004, 136). However, the independent internationalist approach of the United States, allowed it the arbitrary decision to intervene as it wished, guided by national interests. Once again it should be reiterated that due to the United States being a hegemony in a uni-polar world, it should be held to a higher duty and accountability in

international security. The Responsibility to Protect argues for humanitarian intervention a state loses its sovereignty rights when it fails to protect the rights of its citizens (Axworthy 2004, 192). The Responsibility to Protect requires three tasks: to prevent, react and rebuild (Axworthy 2004, 192). However, while the Responsibility to Protect doctrine was being created, two significant events also occurred in the United States that would shake norms of intervention and international security.

These two events significantly changed American foreign policy and national security in the post-Cold War period. The contested election of Republican George W. Bush in 2000 was one such event. His election brought on a series of neo-conservative and very aggressive policies in the United States. The Clinton administration's more multilateral approach to foreign policy and faith in international institutions was slowly retracted. Bush's administration deepened the nation's focus on unilateralism and omittance of multilateralism. This occurred in instances such as the 'unsigned' of the International Criminal Court Statute (Hirsh 2002, 18). This demonstrates a picking and choosing of which and when international organizations would be used by the Bush administration. This independent internationalist approach appeared to demonstrate a new found unilateral position with Bush's administration. Bush's approach was compounded with the September 11 attacks on New York and Washington. Preceding the NSS was the 'Bush doctrine', based upon his speech given on September 20th, 2001 in response to the terrorist attacks. In the speech Bush stated bluntly either "you are with us or against us" (Hirsh 2002, 18). This statement a clear representation of the independent internationalist approach, unilateralism takes precedence with room for multilateralism. Michael Hirsh describes the Bush doctrine as one that has transformed American foreign policy: it declared American hegemony in the world and redefined American relationships around the world" (Hirsh 2002, 18). This event changed American foreign policy, and the Bush doctrine was formed concurrently with the Responsibility to Protect doctrine. Yale historian John Lewis Gaddis referred to the NSS as "the most important reformulation of U.S. grand strategy in over half a century (Warner 2003, 94)." The significance of the Bush administration's direction in foreign relations is visible. There is a clear focus on unilateralism and intervention. Though Clinton's administration did intervene in cases such as Kosovo,

there had already been clear signs of ethnic cleansing and genocide. Under the Responsibility to Protect doctrine, Kosovo was a case where intervention was legitimate under international law. The NSS clearly defies those rule for humanitarian intervention that are set in international law and norms. The Bush administration's NSS comes at the tail end of significant developments in international security and intervention.

The Responsibility to Protect doctrine, through its legitimizing of state intervention, gave way for the NSS to be created, along with the pre-emptive strike. One argument for the pre-emptive strike in the NSS was for national self-defense (Government of the United States 2002, 4). One writer argues that previous principals for self-defense embedded in the UN Charter were inadequate (Feinstein and Slaughter 2004, 136). A new argument was formed, arguing that the Responsibility to Protect should be extended to a new concept, the "Duty to Prevent", a concept of pre-emption. Lee Feinstein and Anne-Marie Slaughter argue "the Duty to Prevent" should be allowed if three circumstances are met: (1) controlling Weapons of Mass Destruction (WMDs) proliferation and those who possess them, (2) the international community coming together swiftly to prevent particular governments before the use of force is necessary, and (3) the duty to prevent should be done collectively through an international or regional institution (Feinstein and Slaughter 2004, 136). The whole concept of pre-emptive intervention has been one of considerable debate. For instance Madeline Albright writes that "reliance on alliance had been replaced by redemption through pre-emption; the shock of force trumped the hard work of diplomacy, and long-time relationships were redefined (Albright 2003, 1)." This demonstrates a paradigm shift from collective security of the Cold War with institutions such as NATO, to crisis management through the UN, to finally a more unilateral approach emphasizing military force over diplomacy, hard power over soft power. The shift in international relations clearly falls into the framework of the independent internationalist. Under this paradigm, the United States can maneuver as it pleases, with a multilateral force being an option, however unilateral action is always the ideal.

The Bush Administration's National Security Council formulated the NSS outlining the principles, desired outcomes and objectives of United

States foreign policy on September 12, 2002, exactly one year and one day after the September 11th attacks. The NSS, touches on topics ranging from championing human rights to institutional reform. To Bush, other powers such as China and Russia, who he originally perceived as “strategic competitors”, suddenly became 'strategic partners' in an urge to integrate many nations in the fight against terrorism (Nye Jr. 2003, 60). This allowed the United States to create shaky alliances with other world powers in order to further maximize its national interests, using the independent internationalist approach. These alliances are more like a truce, to maximize the pursuit of national interests while minimizing criticism from other world powers. The approach the Bush administration is taking is one deemed new unilateralist by Joseph Nye Jr., an approach that wishes to diminish the multilateralist approach and disintegrate international organizations such as the UN (Nye Jr. 2003, 60). The argument is that these regional and international organizations should be created at an ad hoc basis, as the UN Charter implies, and not permanently. Once again the independent internationalist approach best explains this situation. The United States is willing to work within the framework of international organizations but only when it deems necessary.

The National Security Strategy

The NSS is a ten part document covering eight principals or areas. There are eight fundamental principles: (1) champion aspirations for human dignity; (2) strengthen alliances to defeat global terrorism and work to prevent attacks, against “us and our friends”; (3) working with others to defuse regional conflicts; (4) prevent “our enemies from threatening us, our allies, and our friends” with weapons of mass destruction; (5) creating a new era of global economic growth through free markets and free trade; (6) expanding the circle of development by opening societies and building the infrastructure of democracy; (7) developing agendas for cooperative action with other main centers of global power; (8) and transforming America's national security institutions to meet the challenges of the twenty-first century (Government of the United States of America 2002, 1). Only principles 1-4 of the NSS are pertinent to this essay because only they deal with the pre-emptive strike policy and the war in Iraq.

There is an attempt to make the NSS in accord with the concept of rule of law, though pre-emption is far from legitimate under international law. Rule of law is the championing of human and basic rights, due process and democratic systems of governance (Hampson 2002, 18-22). In the first principal of the NSS, 'championing human dignity', there is a direct statement regarding rule of law. This is once again clearly within the interests of a liberal democratic republic like the United States of America. The United States for many decades has argued that it is a champion of human rights (Deng 2001, 343). Also one of the reasons that the United States used to justify its attack on Saddam Hussein was his human rights abuses (Cabrejas 2003, 20). Ironically, this argument intensified only after WMDs could not be found. The rule of law approach in the United States' rhetoric in international politics is well documented and observed. However, as will be seen as this paper progresses, there is a stark difference between the creation or proclamation of a principal and its application. The gap between the two is very arbitrary, which is dependent upon the national interests of the United States, as the independent internationalist framework describes.

A demonstration of the independent internationalist approach in the NSS is the wording. The NSS appears to be multilateralist in nature but allows for a unilateralist approach. Many times in the NSS, it states "we, our allies and our friends," statements like these are meant to create the image of a more multilateralist approach (Government of the United States of America 2002, 1). However, writer Michael Hirsh writes that the Bush Administration "proceed from the firm ground of the national interest and not from the interest of an illusory international community (Hirsh 2002, 18)." Once again the independent internationalist framework best explains this discrepancy. Joan Hoff, in explaining this framework, states that national self-determination is a key objective in American foreign policy (Hoff 1999, 285). This would explain why the United States has swayed in the past between the multilateralist and unilateralist approaches. The stance of the United States government on a particular issue will depend upon its assessment of national interests, and self-determination. Some realists may argue that every nation strictly pursues its own national interests in its foreign policy. However, in applying this theory there is a distinct application of the independent internationalist approach by the Bush

administration. The Bush administration has shifted the minimal use of multilateralism in previous administrations and shifted that towards further unilateralism. Basically the Bush Administration has deepened the unilateral nature of the United States and further weakened multilateralism.

Furthermore the extreme unilateral pursuit of national interests is done 'recklessly' and destabilizes global security (Nye Jr. 2003, 60). This is also why the wording of the NSS allows the leniency for the United States to forgo the multilateralist approach when it is against their national interests.

Principle one: champion aspirations for human dignity (Government of the United States of America 2002, 2)

The first principle of the NSS is one that is of clear liberal democratic origin because it champions individual rights and freedoms. The NSS defines human dignity as "the rule of law; limits on the absolute power of the state; free speech; freedom of worship; equal justice; respect for women; religious and ethnic tolerance; and respect for private property (Government of the United States of America 2002, 2). These are all components to a general principle that are most distinct from their origin in Western civilization, arguably originating from the Enlightenment period. The problem with the origin of this principle is that it may not be possible to accommodate it everywhere throughout the world, where cultures have differing views on what should guide society. Already there is a conflict within this principle's application. The NSS states five key actions to achieve what is proclaimed as championing human dignity. This involves: (1) speaking out honestly about violations of the nonnegotiable demands of human dignity; (2) using the nation's influence and vote in international institutions to advance freedom; (3) use foreign aid to promote freedom and support those who struggle non-violently, in order to ensure nations moving toward democracy are rewarded for the steps they take; (4) making freedom and the development of democratic institutions key themes in bilateral relations, seeking solidarity and cooperation from other democracies while pressing governments that deny human rights to move toward a 'better' future; (5) take special efforts to promote freedom of religion and conscience and defend it from encroachment by repressive governments" (Government of the United States of America 2002, 2).

These actions all appear to be very idealistic and admirable in pursuing foreign relations. However, in this case, theory and practice appear to be in stark contrast. It is known that the United States has supported governments in Saudi Arabia, which have a track record of being against individual freedoms and the concept of democracy (Rubin 2003, 46). It is further noted by one author that Arabs perceive that the United States stands for human rights, democracy and freedom everywhere except in the Middle East (Albright 2003, 2). The Arab perception of the United States in this regards is basically that the United States is a hypocrite. This principal needs to be applied universally and indiscriminately, regardless of economic or political relations.³

This principal is clearly in line with the rule of law approach in international relations. The human rights of individuals are being championed making the rights of people take precedence over political clout. The NSS directly states that this principal is based upon the “rule of law”. The most legitimate argument for the rule of law approach to this principal is the atrocities committed during the 1990s. The UN doctrine of the Responsibility to Protect further legitimizes the intervention into another sovereign nation based upon the principal of championing human dignity. The problem with this principal is that it allows for arbitrary implementation. Due to the United States’ independent internationalist approach, this principal will be implemented according to its national interests. This could allow many other nations, along with the United States, to abuse the concept of intervention under the guise of championing human dignity. Furthermore, the lack of requirement for multilateral institutions or coalitions allow for pursuing national interests in intervention. The lack of multilateral institutions and/or coalitions may make international security more volatile due to the pursuit of national interests. Though the principal is strong it is nevertheless weakened in its application and the inconsistencies stated above, and that we shall see as the paper progresses.

Principal 2: “strengthen alliances to defeat global terrorism and work

³ This inconsistency in application already demonstrates an arbitrariness in the application of these principals.

to prevent attacks, against us and our friends” (Government of the United States of America 2002, 3)

The United States Central Intelligence Agency (CIA), defines terrorism in Title 22 of the US Code Section 2656d (f) (Central Intelligence Agency). Terrorism is defined as “premeditated, politically motivated violence perpetrated against noncombatant targets by sub-national groups or clandestine agents, usually intended to influence an audience” (Central Intelligence Agency). Furthermore the ‘international terrorism’ is used when terrorism involves more than one territory or citizens of various nations. And a “terrorist group” is defined as a group that practices or has ‘subgroups’ that practice terrorism (Central Intelligence Agency). Incidentally, the United Nations has not settled on a particular definition of terrorism, though it had been attempted by the League of Nations since 1937 (United Nations Office on Drugs and Crime). The League of Nations attempted to define terrorism as “All criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons or a group of persons or the general public” (United Nations Office on Drugs and Crime). In 1992 A.P. Schmid proposed to the UN crime branch a short legal definition of terrorism as the peacetime equivalent of a war crime (United Nations Office on Drugs and Crime). The United Nations created the UN General Assembly Resolution 51/210 Measures to eliminate international terrorism in 1999 (United Nations Office on Drugs and Crime). Though UN General Assembly Resolution 51/210 condemned terrorism, it did not adequately define terrorism (United Nations Office on Drugs and Crime). General Assembly Resolution 51/210 loosely defines terrorism as criminal acts with the intent to create a state of terror in the general public, a group, or specific persons for political purpose in reference to political, philosophical, ideological, racial, ethnic, religious or other reasons (United Nations Office on Drugs and Crime). The definition of terrorism is yet to be defined for a more pragmatic use for legitimate legal conduct. The definition of terrorism continues to be a very subjective term. For pragmatic purposes, this paper will use A.P. Schmid’s proposed legal definition of terrorism: the peacetime equivalent of a war crime. It should be noted that the war on terror is not defined as a conventional war, therefore any war crimes committed during

the war on terror should be considered to be during peacetime.⁴

Principal two, as stated in the NSS, recognizes terrorism as an indefinable entity. The objective is to destroy terrorist communications, command, control, finances and material support (Government of the United States of America 2002, 3). The NSS also states it will help regional partners in their attempts to eradicate and fight terrorism by the support of American “military, law enforcement, political, and financial tools necessary to finish the task” (Government of the United States of America 2002, 3). This is a strong obligation that the United States is committing itself to. However, due to its independent internationalist approach, it will commit itself only in accordance with its national interests. Once again the answer will be needed to the question of what is a terrorist or terrorist organization. The United States may well end up supporting oppressive regimes who can label any dissenting groups as terrorists, such examples being Russia or China. This once again falls into the problem of arbitrary implementation due to the independent internationalist approach. Nations will decide arbitrarily who is and is not a terrorist, and how to fight terrorism. Kalliopi Koufa, UN Special Rapporteur for the Commission on Human Rights wrote a paper that defines several different types of terrorism (Cohn 2002, 25). In the paper she distinguished between individual or group terrorism, international state terrorism, state regime or government terror, state-sponsored or state-supported terrorism, and national liberation struggles for self-determination (Cohn 2002, 25). This paper shows the complexity in trying to find a definition for terrorism. The fact that terrorism is “indefinable”, allows for the arbitrary definition of the term to anything the state desires. Any nation, organization or individual against a state’s national interests may be defined as a terrorist. The definition of terrorism is of the utmost importance in the application of this principal, and will be called upon in the third part of this paper.

The NSS states that it will attack terrorism in the following ways:
(1) using all elements of national and international power; (2) defending the

⁴This is due in part because the war on terror has no official declaration, detainees are denied prisoner of war status, and the US Supreme Court recently concluded that the war on terror does not give the President a blank check to do as he pleases.

United States and threats before it reaches United States' borders; and (3) preventing sponsorship, harbouring, funding and aid to terrorist organizations (Government of the United States of America 2002, 3). These principals require further analysis and will be further explored. For the first sub principal, (1) direct and continuous action using all the elements of national and international power, the NSS argues that immediacy will be given to attempts to gain or use Weapons of Mass Destruction (WMDs) or their precursors (Government of the United States of America 2002, 3). For (2) defending the United States; American people, interests at home and abroad, the NSS will accomplish this "by identifying and destroying the threat before it reaches United States borders" (Government of the United States of America 2002, 3). The NSS further states that the United States will try to use the support of the international community, though it will not hesitate to act unilaterally 'if necessary', in exercising its right to self-defense by acting pre-emptively against terrorists (Government of the United States of America 2002, 3). This once again demonstrates a dichotomy in the United States' rhetoric. What this wording demonstrates is the perceived attempt to appear multilateral even though unilateral action is not forfeited. Also there is concern in the statement "will act unilaterally 'if necessary' ", because there is no set of guidelines for when unilateral action is or is not necessary. Without requisites or preconditions to act unilaterally, there is a clear arbitrariness in this principals implementation. This also creates arbitrariness in the notion of the pre-emptive strike. Then in the third sub-principal, (3) denying further sponsorship, support, and sanctuary to terrorists will be done by "convincing or compelling states to accept their sovereign responsibilities" (Government of the United States of America 2002, 3).

Also under this principal of the NSS, it is stated that it will wage a war of information and ideas by (1) using influence, allies and friends; (2) supporting moderate and modern governments especially in the Muslim world; (3) using resources to diminish conditions that create terrorism; and (4) using public diplomacy to promote the free flow of information and ideas to create dissident in terror sponsoring countries (Government of the United States of America 2002, 3). This section is important because what this is indirectly stated is that the United States will wage a propaganda war against nations that it deems to be terrorist or terror sponsoring. Because

the United States is an independent internationalist, it is fighting this war for its own self-interests. What becomes problematic due to this is that the United States will arbitrarily wage its war to further its influence. It should be noted that the act of spreading propaganda in other countries in the ambition of creating dissent, in itself, could be seen as an act of terrorism or sponsored terrorism (sub-principal 4). Therefore it is the definition of terrorism that will play a huge role in the application of this principal. The problem with a lack of definition with this principal allows for arbitrary definitions, based upon national interests. This section also goes on to state that the United States will create massive institutional changes in creating the department of Homeland Security and a more coordinated intelligence community (Government of the United States of America 2002, 3).

Principal 3: work with others to defuse regional conflicts (Government of the United States of America 2002, 4)

This component of the NSS acknowledges that all circumstances that the United States finds itself cannot be predicted. The United States believes that it has “finite” political, economic and military resources for its foreign policy objectives. There are two main “strategic principles” the United States has created for these circumstances: (1) invest time and resources into international relationships and institutions to manage local crises when they emerge; and (2) be realistic about its ability to help those who are unwilling or unready to help themselves. The United States argues that when these countries comply, the United States will be willing to move decisively to aid them (Government of the United States 2002, 4). These two principles appear to lay the ground for the United States to have some leeway in deciding subjectively where they may intervene or who they may help. These two principles appear to be somewhat of a sunset clause that will allow the United States to enforce their actions unevenly across the globe. Once again the independent internationalist approach would help to explain this principal. The wording of this principal would allow for the United States to pursue its national interests in either a multilateral or unilateral fashion. It is because the NSS words this principle to work towards multilateralism, though unilateralism has continued to be the mode of conduct, and it is not ruled out. Under the independent internationalist approach, the United States has and continues to act unilaterally when

possible, and multilaterally only when necessary (Hoff 1999, 285). Though there was an attempt to mask the United States' unilateral actions as multilateral with the coalition of the willing, as this paper created necessary conditions for an action to be multilateral, the coalition of the willing does not follow the framework for a multilateral action.

Principal 4: “prevent our enemies from threatening us, our allies, and our friends, with weapons of mass destruction” (Government of the United States of America 2002, 5)

This principal and section of the NSS is the most important in dealing with the pre-emptive strike policy. This part of the NSS is composed of 3 key elements: (1) proactive counter proliferation efforts; (2) strengthening non-proliferation to prevent rogues states and terrorists from acquiring WMDs; and (3) consequence management to respond to WMD use (Government of the United States of America 2002, 5). The NSS clearly states that due to the threat of rogue states and terrorists, the U.S. cannot “solely rely on a reactive posture as we have in the past...We cannot let our enemies strike first ” (Government of the United States of America, 5). This statement clearly illustrates the change from a policy of re-active deterrence to one of pro-active confrontation. The NSS speaks of the Cold War and how during that time, the position of deterrence was effective and viable (Government of the United States of America 2002, 5). However, the NSS states that deterrence is no longer an effective strategy against “rogue states” and “terrorists” who do not care about their lives, their people’s lives or the lives of others (Government of the United States of America 2002, 5). The NSS also states that under international law, a nation does not need to be attacked to protect itself from an imminent attack (Government of the United States of America 2002, 5). There is an acknowledgment in the strategy that in the past it was required that a visible imminent threat must be present, however, now the circumstances have changed, the justification of a pre-emptive strike have changed accordingly (Government of the United States of America 2002, 5). The NSS also states that with the concept of pre-emption it will also, “(1) build better and more integrated intelligence capabilities, (2) coordinate closely with allies to form a common assessment of the most dangerous threats; and continue to transform military forces to ensure victory” (Government of the United States of

America 2002, 5). This principal is concluded by the statement that “the purpose of our actions will always be to eliminate a specific threat to the United States or our allies and friends. The reasons for our actions will be clear, the force measured, and the cause just” (Government of the United States of America 2002, 5).

This principal is also subject to much criticism. The concept of pre-emption is against international norms. These norms are resolving conflicts through diplomacy, multilateral agreements or international institutions. John Ikenberry writes “but such an approach renders international norms of self-defense -- enshrined by Article 51 of the UN Charter -- almost meaningless” (Ikenberry 2002, 44). Also United States Senator Robert Byrd gave a speech at the United States Senate speaking of how the doctrine of pre-emption is against established international law due to its aggressive nature (Byrd 2003, 24). One writer describes the conflict as “in the name of protecting state sovereignty, international law traditionally prohibited states from intervening in one other affairs, with military force or otherwise” (Feinstein and Slaughter 2004, 136). It is evidence that the concept of pre-emption is one that is against previous customary international norms.

One obvious violation that has occurred through the United States' actions is its violation of Article 2, section 4 of the United Nations Charter. This section states that all members should “refrain” from the use of force against other member states or “in any manner inconsistent with the purposes of the United Nations (Antoniou and Reisman 1994, 5). Then in article 33, section 1 and 2 mention that nations should first seek a solution through “negotiation, enquiry, mediation, conciliation, arbitration, judicial settlement, resort to regional agencies or arrangements, or other peaceful means of their choice (Antoniou and Reisman 1994, 6).” Furthermore Article 39 states that the Security Council shall determine the existence of any threat to the “peace, breach of the peace, or act of aggression (Antoniou and Reisman 1994, 6).” It is clear that the Security Council neither advocated the use of force nor did it find Iraq to be in a breach of peace. Furthermore in the Definition of Aggression produced by the United Nations in 1974, the first use of force, ‘prima facie’, was declared inconsistent with the UN Charter (Antoniou and Reisman 1994, 10). Notice here that the ‘pre-emptive’ strike is based upon the use of primary force,

only if it were to adhere to the UN Charter would it be legitimate under international law, even though the United States is party to these statutes. Article 3 of the UN's Definition of Aggression states that forms of aggression include: invasion into another state (even temporary), bombardment or the use of any weapons, blockade of ports or coasts, an attack by armed forces on land, air or sea, placement of armed forces without the host country's agreement, using a nation to perpetuate aggression against a third state, or sending out armed bands or groups on behalf of the State into another State's territory (Antoniou and Reisman 1994, 10-11). These are all rules and regulations that the United States was a party in creating, yet the NSS clearly contradicts these principles.

Once again this principal analyzed under the independent internationalist framework demonstrates national self-interests as a key factor. The United States will forgo the above rules, especially the UN Charter and definition of aggression, in applying a pre-emptive strike. The role of multilateral diplomacy is not required nor needed, based upon the wording of this principle. Once again this leads to an arbitrary decision upon what would pose an imminent threat if it not traditionally visible, such as the mobilization of a military. This principal can once again be applied as it suits the interests of the United States administration.⁵

Overall Summary of National Security Strategy Principles

The guiding principles of the Bush doctrine of pre-emptive strike are the first four principals, which will be quickly summarized: (1) champion human dignity, (2) strengthen global alliances to defeat terrorism and prevent attacks, (3) work with others to diffuse regional conflicts, and (4) prevent enemies from threatening [America] and allies with WMDs. As with any concept, the only way to assess the ideals and principles of a plan of action such as the NSS, is to see the precedence of its implementation.

The NSS principles outline the case for an American pre-emptive strike.

⁵ The last of the principles of the NSS are irrelevant to the purpose of this paper. Nevertheless they have been included for informational purposes in the appendix.

Many of these principles are worded in a fashion to demonstrate a remote willingness to use multilateral action, though unilateral action is not prohibited. It seems to be strongly inconsistent with previous norms of international laws, especially those established under the United Nations Charter in Articles 2, 27, 33, 39, 41-51 and the United Nations' definition of aggression. This demonstrates how the independent internationalist approach was used in formulating the NSS. National interests seem to guide the NSS in order to arbitrarily apply the principles of the NSS. The problem with the arbitrary implementation of these principles, based upon the independent internationalist approach, is that it may allow for abuse.

IRAQ Background

The NSS has been subject to much criticism in its aggressive and conservative approach to foreign policy. One writer describes Bush as taking an extreme realist foreign policy approach which is reckless in its application (Nye Jr. 2003, 60). The war in Iraq was the first true and only implementation of the NSS concept of pre-emptive strike. There was significant build-up that ultimately led to the United States' war on Iraq. The United States pressed the UN Security Council to pass a resolution authorizing the use of force on Iraq. This was a result of what the United States deemed to be a lack of cooperation and compliance with disarmament measures issued by the UN after the first Persian Gulf War (Rubin 2003, 46). James Rubin argues that many believed that the United States had the intention to go to war with Iraq regardless of Iraq's compliance with disarmament measures (Rubin 2003, 46). Resolution 1441 was passed by the UN Security Council to allow for further weapons inspection in Iraq. Rubin argues three possible scenarios could have emerged with this resolution: (1) Saddam Hussein would fully comply; (2) the "smoking gun" (evidence) would be found allowing for war; or (3) Saddam Hussein would not comply leading to war (Rubin 2003, 46). But Rubin argues that a fourth scenario emerged, Saddam Hussein partially complied therefore the United States did not know how to justify their war (Rubin 2003, 46). From this point another vote brought forward by the United States failed in authorizing force through the UN Security Council. This allowed the United States, under the independent internationalist

approach, to forgo the multilateralism and follow national self-interests under the NSS.

The Bush Administration in 2003 launched what it deemed a 'pre-emptive strike' upon the country of Iraq under the leadership of Saddam Hussein. This attack is what can be seen as the first implementation of the Bush doctrine since its creation in September of 2002. The Iraq War is clearly the situation that may set the precedence for future invocations of the pre-emptive strike policy, and may lend it to arbitrary abuse. This abuse may arise from the pre-emptive strike implementation in Iraq, and the weak grounds that were argued upon strike. This justification for the war appeared to be the first four principals of the NSS. In order to assess the justification for the war in Iraq, a content analysis of key speeches by United States government officials leading up to the war will be beneficial.

Content Analysis

In order to understand the justification for the United States' pre-emptive strike on Iraq, a content analysis was conducted on several speeches by United States President George W. Bush and United States Secretary of State Colin Powell. The analysis involved four key speeches en route to the War in Iraq. The first speech was President Bush's address on Iraq on October 7, 2002 (Cirincione et. al. 2004, appendix 2). This speech was selected because it was the first time that the War against Iraq was emerging as a key issue of United States' foreign policy. The second speech analyzed is excerpts of Iraq from the President's State of the Union address on January 28, 2003 (Cirincione et. al. 2004, appendix 3). This speech addressed the main reasons why Iraq was a case for an American pre-emptive strike, and how the issue would be brought in front of the UN Security Council. The third speech analyzed was United States Secretary of State Colin Powell's Address to the UN Security Council on February 5, 2003 (Cirincione et. al. 2004, appendix 4). This speech was essentially the main argument for a pre-emptive strike against Iraq, and it attempted to seek justification for the strike through the UN Security Council. Finally, the fourth speech analyzed is President Bush's address to the nation on war with Iraq on March 17, 2003 (Cirincione et. al. 2004, appendix 5). This speech makes the final justification for war with Iraq and outlines the main

arguments once again.

i. Methodology

In order to conduct this content analysis, the analysis involved using sentences as a tool of measurement. This analysis was done using the four main principles from the NSS: (1) championing human dignity; (2) fighting terrorism; (3) working with organizations to diffuse conflict; and (4) preventing weapons of mass destruction proliferation. Key terms in sentences were used to link the sentence to a specific principle, for example terms such as biological, chemical, nuclear or disarmament were linked to the principal 4 being preventing weapons of mass destruction.

ii. Analysis

President Bush's Address on Iraq, October 7, 2002

Principal	sentences referring :
1 st principal	21
2 nd principal:	27
3 rd principal	16
4 th principal:	35
Total sentences:	170

President Bush's State of Union, January 28 2003.

Principal	sentences referring :
1 st principal	17
2 nd principal:	13
3 rd principal:	10
4 th principal:	42
Total sentences:	125

United States Secretary of State Colin Powell's Address to the U.N. Security Council, February 5, 2003.

Principal	sentences referring :
1 st principal	14

2 nd principal:	62
3 rd principal:	1
4 th principal:	184
Total sentences:	609

President Bush's Address to the Nation on War with Iraq, March 17, 2003
Principal sentences referring :

1 st principal	11
2 nd principal:	8
3 rd principal:	10
4 th principal:	18
Total sentences:	99

Totals:

Principal	sentence referring:
1 st principal:	63
2 nd principal	110
3 rd principal	37
4 th principal	279
Total sentences:	1003

In the first speech the content analysis found the following results. There were 21 sentences referring to principal 1, 27 sentences referring to principal 2, 16 sentences referring to principal 3, and 35 sentences referring to principal 4. It was interesting to note that there was a fairly even spread of the use of principals within this first speech. The linking of terrorism, WMDs and Iraq was very frequent. This even distribution of NSS principals is something that eroded as the case for Iraq progressed.

The second speech analyzed was President Bush's State of Union Address on January 28, 2003. The results of this analysis are as follows as

sentences referring to each principal: principal 1 has 17 sentences, principal 2 has 13 sentences, principal 3 has 10 references, and principal 4 has 42 references. What is interesting to note is that this speech saw the case against Iraq strongly use WMDs as the main focus. There is significant difference from the first speech in which there was a more equal distribution of principals used for justification. Also, the main focus of the argument turned into the disarmament of Iraq and lack of cooperation.

The third speech was United States Secretary of State Colin Powell's address to the UN Security Council on February 5, 2003. The speech was broken down into the following sentences of reference: principal 1 has 14 sentences, principal 2 has 62 sentences, principal 3 has only one reference, and principal 4 has 184 sentences. This speech was of considerable interest. This speech was the first speech addressing the international community for a case of war with Iraq. The focus became overwhelmingly upon WMDs. It appears the justification focused mainly upon UN Resolution 1441 on the disarmament of Iraq. This also demonstrated how the United States government was changing the emphasis of its principals upon the audience it was trying to convince. There was significant reference to terror, NSS principal 2. However principal 3 of the NSS was referred to almost three times as much as the second.

The final speech analyzed was President Bush's address to the Nation on War with Iraq on March 17, 2003. The breakdown of the speech was as follows: principal 1 has 11 sentences, principal 2 has 8 sentences, principal 3 has 10 sentences, and principal 4 has 18 sentences. Once again there was a more even distribution of principal usage in this speech. Interestingly also was for the first time, the principal of terrorism (principal 2) was referred to the least of all principals. In previous speeches the terrorism principal, principal 2, was always referred to the second highest amount of times within the speech. This once again shows though the case for Iraq did not cease, the justification for the war changed as time progressed. This demonstrates arbitrariness in the application of principals of the NSS. The final speech is fairly similar to the first speech where there was an even distribution of principals used for justification. The arbitrary application of the principals outlined in the NSS demonstrates how the

application of a pre-emptive strike is too susceptible to subjective interpretation. It demonstrates how a case for a pre-emptive strike can be accommodated under the NSS rather than being established requirements to allow for a pre-emptive strike. It could be possible that it was due to domestic or international pressure that the argument changed. Regardless of these circumstances, there was never an assessment of whether there should be a pre-emptive strike against Iraq but rather when. This shows that the war was going to happen and only the justification needed to accommodate it, meaning that there is clear arbitrariness to these principles and the argument for war. It shows the NSS can accommodate a war rather than having established principles to allow for a pre-emptive strike.

Assessment of Justification

Now it appears based upon the above content analysis that the four first principals of the NSS were used, to varying degrees at different times, to justify the pre-emptive strike upon Iraq. Similarly, Joaquin Cabrejas writes that there were three key reasons for Bush's justification of war. She argues that Bush's administration argued that Iraqi President Saddam Hussein posed an immediate threat to the security of the United States because "he had weapons of mass destruction (principal 4) and ties to Al-Qaeda (principal 2)...[and] Hussein's tyranny was justification enough for a pre-emptive war (principal 1) (Cabrejas 2003, 20)." Indian Foreign Minister Yashwant Sinha stated that America's reasons for the pre-emptive strike in Iraq were possession of WMDs (principal 4), export of terrorism (principal 2) and an absence of democracy (principal 1) (Kreiger 2003, 7). There appears to be a consensus among many about the main reasons for the pre-emptive strike: the possession or quest for WMDs, links to terrorism and the violation of human rights/democracy. Based upon this observation and the content analysis above, it can be inferred that the key principals that the United States used in its justification of the war, as drawn out in the NSS, were principals 1, 2, and 4. The first four principals will now be analyzed in the war against Iraq to further understand the reasoning behind the pre-emptive strike and the implementation of the NSS.

i. (Principal 1): "Championing Human Dignity".

The principal for championing human dignity does appear to be a valid argument for the war against Saddam Hussein and Iraq. Amnesty International has reported for several years that Hussein has committed several atrocities and human rights violations (Cabrejas 2003, 20). Nevertheless, citizens of Iraq have been suffering for many years and there are cases around the world that are worse than the situation in Iraq. For example Marjorie Cohn writes "Human rights organizations and NGOs from the United States, United Kingdom, Israel and Palestine have accused Israel of committing human rights violations) (Cohn 2002, 25)." Israel is a great ally of the United States and it is simply due to these relations that the United States is argued to have ignored Israeli policies towards Palestinians (Cohn 2002, 25). This principal can therefore be invalidated due to the biased nature in which it is applied. Also Marjorie Cohn writes that the weaponry that the United States used in Iraq: cluster bombs, napalm and depleted uranium, are indiscriminate killers (Cohn 2002, 25). The United States is claiming that it is helping the people of Iraq but at the same time killing thousands of them indiscriminately, also in violation with the Just War Theory. Furthermore, the United States has a history of being seen as an imperialist country. The United States has intervened and governed many Caribbean, Central and South American countries as well as the Philippines (Nye Jr. 2003, 60). These countries were then subject to great human rights atrocities such as Panama, Chile, El Salvador and many other nations. The United States wishes to champion human dignity or make an argument that another nation is violating them, when the very accuser has a well documented history in the sphere of human rights abuses. The United States is clearly observed to be a hypocrite in regards to the principal of championing human dignity. This hypocrisy can clearly be explained using the independent internationalist model. It appears that the United States is selecting to go to War with Iraq due to national self-interests. Should the reason be for championing human dignity, there are other countries ahead of Iraq that are guilty of human rights abuses. Also, as noted in the content analysis, this reason was not used as significantly as the other principals in the argument for the war. Nevertheless it was a visible principal in speeches addressing the domestic audience and especially the final decision to go to war. It is interesting to note also that championing human dignity has become a stronger principal in the argument for war due to the absence of WMDs up to this point in Iraq.

ii. (2) Principal 2: “strengthen alliances to defeat global terrorism and work to prevent attacks, against us and our friends”.

This is where the United States finds itself on troubled ground. Though there was an attempt to link Saddam Hussein to terrorism, no link could be directly found nor proven (Cabrejas 2003, 20). In President Bush’s final speech before the war, the terrorism principal was used the least out of the three principals. There appears to be no evidence that has clearly linked Saddam Hussein’s Ba’ath regime to Al-Qaeda or other terrorist organizations (Cabrejas 2003, 20). It could also be argued that more terrorists have infiltrated Iraq now that the Ba’ath regime is gone. Examples of this can be seen with the recent beheading of Christopher Byrd by alleged Al-Qaeda members. Also there is trouble with the United States’ double standard on human rights as noted above. This difference once again demonstrates the United States’ independent internationalist approach. It appears that the United States sets two different modes for justifying the war, one at the domestic level and one at the international level. The United States appears to justify its war not in accordance with set rules, but as it deems necessary to achieve its self-interests.

iii. (3) Principal 3: “work with others to defuse regional conflicts”.

This principal was somewhat applied in the war against Iraq. The UN was going to be used as a tool for the Bush Administration to legitimize war through an international body, though the Security Council did not justify it (Rubin 2003, 46). The United States then tried to justify its War by claiming that it had a “coalition of the willing”. Stephen Biddle claims that the use of coalitions by Americans is to give their actions legitimacy. Biddle writes that since the Wars in the former Yugoslavia “any action should be cloaked in multinational coalitions to lend legitimacy and spread responsibility, and public scrutiny should be limited through careful control of information (Biddle 2002, 138).” The creation of a “coalition” in the Iraq war was simply to lend legitimacy and spread responsibility. Not only did the use of a coalition do this, but it appeared to adhere to the principles of the NSS where the United States works with others to defuse regional conflicts. The coalition of the “willing” masked a unilateralist approach, something that the UN Security Council refused to. Even if a coalition is created it that

does not mean that it is not in its raw form unilateral action. It is also ironic that as stated in principal eight of the NSS, cooperation within the framework of the UN, was clearly not adhered to in Bush's war against Iraq.

Once again a more elaborate definition of multilateralism is needed to demonstrate how an intervention by NATO in Kosovo was multilateral, whereas the 'coalition of the willing' in Iraq was not. Because the UN is the only international organization with the largest and most global membership, a true multilateral intervention requires UN consensus. However, it has been noted in the past the veto has paralyzed the UN from taking necessary action (Hiscocks 1973, 71). In the case that there is a majority consensus, with only one veto preventing UN action, a regional organization such as NATO should be allowed to legitimately undertake the task that the UN is crippled from executing. The legitimacy of this form of multilateralism is based upon the argument that the veto is outdated, illegitimate and a hindrance to the UN to meet its mandate (Otunnu 1995, 302-306). This argument is furthered by the fact that there is consensus that the veto needs to be reformed though the veto prevents reform from taking place (Hiscocks 1973, 72). Therefore this step is needed to overrule the veto's jurisdiction. Coming back to the creation of the 'coalition of the willing in Iraq', it is clear that it was not only one veto that prevented UN action, but the majority of UN members were against the use of force in Iraq (Cirincione et. al. 2004, 56-57). Because there was not a majority of UN members backing the intervention in Iraq, based upon the necessary conditions for proper multilateral intervention defined above, the US invasion of Iraq did not have multilateral backing.

Once again the independent internationalist framework helps to understand this action. The United States went to the UN to justify its war. However when the UN did not, the United States continued on its road to War unilaterally. Based upon the content analysis, the use of international organizations was never a significant component of the United States war with Iraq. Due to its independent internationalist approach, the United States launched a pre-emptive strike with those who were willing to accompany it. This demonstrates only using the multilateralist approach when necessary.

iv. (4) Principal 4: “prevent our enemies from threatening us, our allies, and our friends, with weapons of mass destruction”.

This principal is one of the key elements used to justify the war against Iraq. Clearly, Bush built his argument upon the belief that Saddam Hussein posed an immediate threat to the United States, that he was in possession of WMDs, and had links to Al-Qaeda (Rubin 2003, 46). None of these statements were ever proven and continue to lack evidence and/or validity (Rubin 2003, 46). As noted in the content analysis, this principal was overwhelmingly the argument for a pre-emptive strike upon Iraq, especially in Colin Powell’s speech to the UN. Even if Powell genuinely believed the argument, why was the same argument not fostered before and after his speech at the UN? This shows that there was an attempt to create an argument for a pre-emptive strike against Iraq rather than there being an existing argument. There is clearly an absence of set criteria to launch the pre-emptive strike which causes it to be arbitrary in its application.

It is clear that the United States does not implement this principal universally. Kenneth Pollack writes, “...although the United States preaches a policy of universal nuclear non-proliferation, in practice, Washington has consistently, and probably correctly, been much more concerned with proliferation by its enemies (such as Iraq and North Korea) than by its friends (such as Israel and, to a lesser extent, India)” (Pollack 2003, 2). This lack of universality allows some nations to get away with things that other nations are condemned for. There will be no possibility of a Non-Nuclear Proliferation Treaty without the universal application of its principles. This principal is not strong in its application or in its premises, especially in the case against Iraq. Once again the arbitrary nature of implementing this principal is evident through the independent internationalist approach. The United States decided upon applying this principal as it suits their national interests.

The inner premises of this principle are open to criticism. Though the NSS states that it would use the UN framework to achieve these objectives, it fails to establish this in the Iraq war. It is clear that the UN Security Council did not by vote approve of the invasion of Iraq. Irving

Horowitz writes, "Unlike the Yugoslav wars conducted by the Clinton administration, and with the formal cover of the U.N., the Iraq war lacked a similar sanction, and hence was deprived of the same sense of moral force" (Horowitz 2003, 9). Clearly this war, though there was a creation of a multilateral coalition, it was essentially a unilateral adventure. Once again it demonstrates how under the independent internationalist approach, the United States will forgo multilateral action when it deems necessary. This once again demonstrates that a pre-emptive strike can be launched with a lack of international legitimacy through multilateral organizations. This may allow for pre-emptive strikes to be launched in pursuit of national interests.

Furthermore, there continues to be an absence of WMDs, chemical and biological weapons in Iraq. There is a strong argument that the Bush administration relied on faulty intelligence (Cirincione et. al. 2004, 21-33). What is interesting to note is that unclassified CIA reports from 1997-1999 did not mention any attempts by Iraq to re-start its nuclear program, however that changed slightly by 2001, and by July-December 2002 analysts stated that Iraq was trying to restart its program (Cirincione et. al. 2004, 22). It is interesting to note that this not only coincided with the start of the Bush administration, it also intensified as the argument for war intensified. This could possibly be due to a need to create a necessary condition to go to war. The reliance on faulty intelligence has severely reduced the necessary conditions required for launching a pre-emptive strike, which is immensely destabilizing to global security.

The United States implemented their policy of a pre-emptive strike in a manner that may destabilizes the global community. The weak grounds for a pre-emptive strike on Iraq may have caused a global consensus that previous international norms of deterrence, multilateralism and no confrontation have been substituted for confrontation, aggression and unilateralism. But once again under the independent internationalist approach, the United States decides when it shall choose its approach, based upon its interests. Marjorie Cohn even argues that the United States, based upon its own policies should be considered a rogue state because it is guilty of International State terrorism (United States and United Kingdom bombing of Afghanistan) and State-sponsored or State-supported terrorism (United States financial and military support for Israel) (Cohn 2002, 25).

The argument is that the United States is guilty of perpetuating that which it claims to be eradicating. John Swomley argues that there are three real reasons for the pre-emptive strike against Iraq and not the principals outlined in the NSS. He argues it was for another agenda. Swomley argues that the United States went into Iraq (1) to establish four military bases as Pentagon has already announced, (2) to control oil flow from the Persian Gulf to China, Japan, Korea and other countries, (3) and to create a puppet democracy similar to Afghanistan, Haiti and South Korea (Swomley 2003, 35). The objective is to insert political and military influence in a region where it is not very dominant. This demonstrates that national interests are being pursued rather than intervention for humanitarian reasons, as defined by the Responsibility to Protect Doctrine. The implementation of the NSS, more specifically the pre-emptive strike, in Iraq may have set a dangerous precedence in international relations.

THE CASE IN NUCLEAR SOUTH ASIA: INDIA versus PAKISTAN

Background

The precedence set in the pre-emptive war against Iraq has opened the door for wars of pre-emption. The United States doctrine of pre-emptive strike is capable of becoming an international norm, and the precedence set in Iraq may have set the grounds for its justification. More nations may choose to forgo diplomacy to solve conflicts and resort to unilateral action under the independent internationalist approach. A rise in political rhetoric using the pre-emptive war in Iraq by nations in conflict is a clear example of this. The United States argued that they must: (1) champion human dignity, (2) prevent an attack against themselves and others, and (4) prevent nations from threatening them with WMDs (Rubin 2002, 46). Ikenberry writes the concept of pre-emption in the NSS defies international norms, and makes the notions found in section 51 of the UN Charter, regarding national self-defense, obsolete (Ikenberry 2002, 44). As demonstrated earlier both the UN Charter and its Definition of Aggression are violated through the use of the pre-emptive strike. Furthermore, the reliance on faulty intelligence has lowered the necessary conditions required before launching a pre-emptive strike. Because these previous international norms may become invalid, the consequences are dire. The new standard of

national self-defense may lead to a significant rise in conflicts and crises around the globe. Many other nations may implement the independent internationalist approach that the United States applies. The principals outlined above, and their arbitrary application in Iraq, will allow nations to pursue a pre-emptive strike based upon their national interests.

Madeline Albright writes in her article "Bombs, Bust or Buster", that the Bush administration made "anticipatory self-defense the centerpiece of its strategy and that this step, however, was dangerously easy to misconstrue (Albright 2003, 2)." She poses the question "do we really want a world in which every country feels entitled to attack any other that might someday threaten it? (Albright 2003, 2)." The guiding principals of the NSS allow national interests to be pursued through the intervention of the sovereignty of another state. Should more nations only go through multilateral diplomacy when necessary, and mostly pursue unilateral action, the consequences could be dire, especially with the policy of pre-emptive strikes. The question this essay is dealing with is what could be the consequences of the Bush administration's policy based upon the NSS, the precedence of Iraq and its implications on other areas of conflict? Extending upon that question, what would be the consequence if more nations take the independent internationalist approach, forgo multilateralism and diplomacy and act unilaterally based upon self-interest by implementing a pre-emptive strike policy?

The definition of international stability for this paper is defined as the absence of large scale interstate armed conflict. There are several instances around the world where the pre-emptive strike has the possibility of creating instability. Places such as China-Taiwan, Turkey-Iraq (Kurdistan), Israel-Syria, Israel-Lebanon, United States-Iran, and many more. Nowhere is this possible destabilization in global security more visible than nuclear South Asia. To illustrate how the pre-emptive strike has created international instability the cases of India and Pakistan will be presented, in regards to Iraq and the NSS. There are several reasons why this case will be used to test the Bush Doctrine's capability to create international discord. This is an example of a crisis where there has already been reference to the pre-emptive strike launched in Iraq. Furthermore, the India-Pakistan case is one which has the possibility of reaching nuclear war.

This conflict could be set off if either nation decided to implement a more aggressive stance, like that found in the NSS. Each nation claims to have a stronger argument for launching a pre-emptive strike than the United States had to go into Iraq.

The Cases for India and Pakistan

i. Background

The United States makes reference to the situation of the nuclear arms race in South Asia in its NSS. It acknowledges that India and Pakistan must resolve its dispute. The United States argues that it has built strong bilateral relations with the two countries, and will use it as leverage to solve this dispute (Government of the United States 2002, 4). However, the United States involvement in the affairs of the two countries is seen as contradictory. The United States has already forgone multilateral diplomacy in its pre-emptive war with Iraq. Should India or Pakistan implement this independent internationalist approach, they may very well forgo multilateral or bilateral diplomacy and launch a unilateral strike upon the adversary. India has already directly referred to the United States case of pre-emptive strike against Iraq in relation to its own foreign policy. Authors David Kreiger and Devon Chaffee write “Indian Foreign Minister Yashwant Sinha stated recently, “There were three reasons which drove the Anglo-U.S. forces to attack Iraq—possession of weapons of mass destruction, export of terrorism and an absence of democracy—all of which exist in Pakistan” (Kreiger and Chaffee 2003, 7). Again they write “On April 11, 2003, Indian Defense Minister George Fernandes said he endorsed Sinha's recent comments that India had ‘a much better case to go for pre-emptive action against Pakistan than the United States has in Iraq’” (Kreiger and Chaffee 2003, 7). The principals that the United States applied to go to war with Iraq clearly apply for India to War with Pakistan: Pakistan possesses WMDs and has threatened their use, the Kashmiri liberation forces supported by Pakistan are a threat to Indian national security and Pakistan does have a record of human rights abuses (Kreiger and Chaffee 2003, 7).

Conversely, there is a strong case for Pakistan to launch a pre-emptive strike. India is also in possession of WMDs, has threatened their use, Indian forces clash daily with Pakistani forces along its border, and

India's own record of human rights abuses, especially to Muslim, Sikh and other minorities is well documented (Amnesty International 1992, 2). Each of these two nations has a better case for pre-emptive strike against the other than the United States had for Iraq under NSS principals 1, 2 and 4. Should India or Pakistan take an independent internationalist approach, there would be little to prevent these two nations from engaging in this policy of pre-emption. Because the United States has gone into Iraq, it could simply be a question of choice for India and/or Pakistan to follow a doctrine of the pre-emption. Because the precedence has been set in Iraq, it could be seen as de facto legitimization for India and/or Pakistan to follow suite. This is exactly why the pre-emptive strike policy invites abuse.

ii. The Case for India

Based upon the pre-emptive strike policy, as outlined in the NSS's implementation in Iraq, the case will be assessed according to the perceived principals for justification in the Iraq case: principals 1,2 and 4 of the NSS. It will be demonstrated that the independent internationalist approach may allow for the manipulation and arbitrary implementation of these principals.

(1) Principal 1: India argues that Pakistan is not a democracy. The principal of championing human dignity could be applied by the Indian government. Pakistan is in no way recognized for as many human rights abuses as Iraq but it recently had a military coup and is under martial law. There appears to be a curb on certain freedoms that are required to be present in a liberal democracy. Through a weak argument for human dignity, India could make its case for a pre-emptive strike.

(2) Principal 2: India accuses Pakistan to be supporting terrorist organizations in Indian Kashmir. The link between the Pakistani government and the Muslim Kashmiri separatists is very strong (Wirsing 2003, 170). This helps to strengthen India's case for a pre-emptive strike against Pakistan on the grounds that Pakistan is helping terrorists attack their nation. Pakistan has been blunt about its support of the Kashmiri separatists, though after a visit from United States Deputy Secretary of State Richard Armitage, Pakistani President Pervez Musharraf agreed to temporarily suspend its aid to separatists (Wirsing 2003, 70). India argues that nothing has changed, and Pakistan continues to harbour terrorists that

infiltrate the Indian border to conduct terrorist activity in India. This is a direct and obvious link to terrorism and makes a very strong Indian case for a pre-emptive strike on Pakistan, based upon principal two of the NSS.

(3) Principal 4: Pakistan is in possession of WMD. Not only is Pakistan in possession of WMDs but it has allegedly traded weapons technology with North Korea (Roehrig 2003, 155). This poses a threat of horizontal as well as vertical nuclear proliferation. This is another reason why India could justify a pre-emptive strike against Pakistan. Not only could India argue that Pakistan's possession is a threat to Indian national security, but it is a threat to all nations due to its history to readily exchange weapons technology with other nations. The content analysis demonstrates the overwhelming focus upon WMDs for justifying the war with Iraq. To this date, no WMDs have been found in Iraq. It is factual knowledge that Pakistan has WMDs. If this principal was the main force in justifying the war in Iraq, India's case for war is clearly stronger than the United States. Acting upon its own national interests under the independent internationalist model, India could forgo diplomacy and launch a pre-emptive strike upon Pakistan.

iii. The case for Pakistan

(1) Principal 1: Pakistan argues that India is illegitimately in control of Kashmir. It violates the human rights and right to determination of the Kashmiri people and minority groups (Wirsing 2003, 70). There have been a significant amount of human rights abuses, especially in police custody, where minorities, especially Muslims, have suffered (Amnesty International 1992, 18-24). Most frequent in these cases were torture in counter-insurgency operations in Kashmir. Lawyers, journalists and ordinary citizens have all been tortured in their non-violent attempts to publicize the human rights violations in Kashmir (Amnesty International 1992, 22-23). There is clearly a violation of due process, freedom of speech, freedom of the press and many other rights and freedoms supposedly guaranteed in a liberal democracy (Amnesty International 1992, 24-26). Pakistan could clearly make a case for championing human dignity with a pre-emptive strike to liberate Kashmir from human rights abuses. Based upon the content analysis of the United States' case for Iraq, this principal is not a main focus but it is present. Pakistan could use this principal to argue for a pre-emptive strike the same way that the United States did.

(2) Principal 2: Pakistan would have a hard time making a strong case in linking India to terrorism. The only possible way to make a link would be in arguing for State regime or government terror (Cohn 2002, 25). This argument would be based upon the argument stated above for championing human dignity. India's record of human rights abuses in both Kashmir and Punjab could be argued to be demonstrations of State terror. Though the argument would have to be limited to within the borders of India, this weak argument can be made. Once again this argument would be based upon the Kashmiri argument that India is denying Kashmir the right to self-determination, as was promised in the UN resolution for a plebiscite in the region. Nevertheless using the independent internationalist model, Pakistan could apply this principal arbitrarily upon India, basing it upon its national interests.

(3) Principal 4: India is in possession of WMDs. Not only has India mentioned the possibility of a pre-emptive strike against Pakistan but it has also escalated the conflict to higher grounds (Wirsing 2003, 70). In December 2001 to October 2002, India amassed 700 000 soldiers along its border with Pakistan (Wirsing 2003, 70). This is clearly an act of aggression in an effort to intimidate Pakistan. Also this act demonstrates a traditional "imminent threat". This is a clear precondition for a pre-emptive strike under the NSS. This demonstrates a ready willingness on the part of India to use its military to achieve its objectives. Pakistan could argue, similar to the United States in Iraq, that it does not want India to get any stronger and it must strike immediately to eliminate a possible future attack, before it is too late. Also once again, India is explicitly known to have and demonstrate their WMDs, namely nuclear weapons. India has what the United States could only claim that Iraq had. Also, unlike the United States' case in Iraq, launching an attack under these circumstances would be completely legitimate under international law and Article 51 of the UN Charter regarding national self-defense. Using the independent internationalist model, Pakistan could pursue its national interests, forgo diplomacy and launch a pre-emptive strike upon India by applying these principals arbitrarily.

Both Pakistan and India have strong cases for a pre-emptive strike

against each other based upon the principles found in the NSS of the United States. Their cases are further strengthened due to the weak implementation of the principles in the United States invasion of Iraq. India has already directly referred to the Iraqi case in its justification for a possible pre-emptive strike on Pakistan. The United States has clearly further destabilized a nuclear South Asia through its concept of the pre-emptive strike, and the precedence set in Iraq. If either India or Pakistan chooses to institute an independent internationalist approach, they may well forgo diplomacy and resort to military force by arbitrarily applying the NSS principles based upon their national interests.

Overall Assessment of Cases

The creation and implementation of the NSS has clearly made the world less stable. Conflicts where the principals of deterrence, containment and diplomacy were the modes of conduct have given way to the principals of pre-emption, confrontation and aggression. The conflict between India and Pakistan has the possibility of reaching nuclear war and either side can justify it through the implementation of the NSS in Iraq. Although recently in the Pakistan-India conflict attempts have been made for reconciliation, the possibility of a pre-emptive strike looms over the region now. The dangerous precedence set in Iraq, through the implementation of the pre-emptive strike policy, compounded by the independent internationalist approach has given way to a less stable global community and particular a less stable nuclear South-Asia.

Conclusion

The United States' independent internationalist approach may prevent the diplomatic process from occurring, diminishing the role of international organizations in resolving disputes, and increase unilateral uses of force. It is clear that the NSS of the United States of America, the Bush Doctrine, may allow for manipulation and may have set a dangerous precedence. Kreiger and Chaffee write "Instead of warning or discouraging nuclear threshold states, such as Iran and North Korea, from developing nuclear arsenals, the lesson that these countries are most likely to learn from the Iraq example is that they must accelerate their nuclear weapons

programs in order to avoid the fate of the Ba'ath regime (Kreiger and Chaffee 2003, 7).” The Bush Doctrine and its implementation in Iraq has led to a more fragile and less secure global community. Based upon reasons for its justification, many nations such as India, Pakistan and Japan could justify acts of aggression that have previously been against international norms. The international norm of pre-emption, confrontation and aggression may become regular aspects of international relations due to this policy. There are also several other problems with pre-emption. Feinstein and Slaughter write that pre-emptive strikes in the past, under different circumstances, have been disasters such as the bombing of the pharmaceutical plant in Somalia in 1998, bombings in the Balkans and Middle East where weapons did not hit their targets and innocent lives were taken (Feinstein and Slaughter 2004, 136). If pre-emption becomes the international norm then there will be an exponential growth in conflicts around the world as more nations justify their actions through the doctrine. The consequences of pre-emption as an international norm are severe and evident. Because the United States chose to arbitrarily apply the NSS principals, based upon their national interests, other countries may follow this approach.

In a unipolar world, the world hegemony clearly has a responsibility to maintain order in global politics. The Bush administration is clearly choosing to apply that responsibility both arbitrarily and recklessly. On May 9, 2002, The Los Angeles Times was leaked a classified Pentagon document where the Bush administration had directed the military to plan for possible nuclear strikes against China, Russia, North Korea, Syria, Libya Iraq and Iran (Swomley 2003, 35). This clearly demonstrates the recklessness of the Bush administration and its attitude of confrontation and aggression. Due to this recklessness, the world is clearly becoming a more volatile community. Ikenberry writes “The tragedy of September 11 has given the Bush administration the authority and willingness to confront the Iraqs of the world. But that will not be enough when even more complicated cases come along -- when it is not the use of force that is needed but concerted multilateral action to provide sanctions and inspections (Ikenberry 2002, 44).” This clearly seems like a viable alternative to the concept of pre-emption. No matter how large or powerful a nation may be, it simply cannot take it upon themselves to fight terrorism

or “rogue” states alone. The independent internationalist approach creates a more unstable global community due to a lack of emphasis on diplomacy and multilateralism.

A multilateral solution is what is needed to prevent the international atmosphere from becoming unstable, and one that adheres to the Responsibility to Protect doctrine. The use of weapons inspections could be seen to be effective in Iraq, which prevented the United States from passing its resolution at the UN Security Council for the use of force in Iraq (Rubin 2003, 46). Some say that the UN has become irrelevant for not mandating the intervention, but that is far from true. The UN not mandating the intervention demonstrated its ability to uphold international norms and law, even in the face of strong pressure and influence from the world hegemony and its national self-interests. The Bush administration clearly had its own agenda for going into Iraq. The consequence of the intervention in Iraq is that any nation may now launch a pre-emptive strike on another simply for its own interests. As more countries adopt an independent internationalist approach, the consequences could be dire. If the foreign policies of India, Pakistan become further guided by national interests under new international norms, established through the NSS, they may also arbitrarily interpret their own national security principals. The independent internationalist approach will further decrease the role that multilateralism, international organizations and diplomacy can play in preventing such conflicts from occurring. A rise in unilateralism, guided by national interests with an easily manipulated pre-emptive doctrine could be catastrophic. The NSS of the United States, and more specifically its pre-emptive strike policy, is irresponsible, has set a dangerous precedence, and may allow for its arbitrary use by countries such as India and Pakistan.

Post Script

A few things remain unaddressed in this paper. One, the domestic politics of the United States as it pertained to the creation and implementation of the NSS. Domestic politics were omitted from this paper due to the size restriction upon the paper, but it is acknowledged that domestic politics played a significant role in the NSS. However, the goal of this paper was to assess the NSS at the international level. Also, it is

possible that one case of a pre-emptive strike does not necessarily create a trend, but the Bush administration has threatened the use of more pre-emptive strikes, as have other nations such as India, Pakistan and Japan. Finally, the issue has arisen after the paper was written that the United States' relied on faulty intelligence, changes of reasoning, and much more. Once again these issues have been omitted due to the paper length restriction. Because these issues are being brought up, it further demonstrates the weak criteria that justified this precedence setting pre-emptive strike. Also some nations have made strong reconciliation attempts since the Bush doctrine was implemented, notably India-Pakistan, though this does not weaken this paper's case. The major problem with the Bush doctrine, this paper argues, is that a new international norm may have entered international relations and security. Although at this stage, the instability is only demonstrated in the form of political rhetoric, this is a danger in itself. The author acknowledges that these issues need to be addressed to fully evaluate the consequences of the pre-emptive strike and the NSS, and further research would accomplish this.

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