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The Doctrine of Pre-emptive Strike: Application and Implications During the Administration of President George W. Bush

SANJAY GUPTA

ABSTRACT. During the Iraq war, the Bush administration justified its pre-emptive military strike against Iraq on grounds of national security. The strike, carried out under the administration's National Security Strategy, asserts the right of the USA to take unilateral military action against rogue states and terrorist organizations so as to prevent or mitigate a presumed attack by such nations or organizations against the United States. However, the administration's action has been widely criticized as not being in conformity with international law, customary law, and UN Security Council resolutions. The doctrine's implications are serious as it may encourage other states, such as India, to take unilateral action against their adversaries. The failure of the UN to prevent US aggression against Iraq has also given rise to the suggestion that the UN is redundant in such circumstances, a view seen by US and Indian foreign policy ideologists as a favorable development.

Keywords: • Pre-emptive strike • Weapons of mass destruction
• National security • US foreign policy • Bush doctrine

In the run-up to the 2003 Iraq war, the Bush administration raised the issue of launching a pre-emptive military attack on Iraq in order to defend the United States from the growing threat of terrorism. President George W. Bush, in a speech given to the graduating class of West Point on June 1, 2002, contended that given the "nature and type of threat posed by Iraq," the USA had a legal right to use force "in the exercise of its inherent right of self defense, recognized in Article 51 of the UN Charter" (Bush, 2002). Given that the USA had not been previously attacked by Iraq, that contention raised controversies about the permissible scope of the pre-emptive use of force under international law. He declared that the USA would reserve the right to attack any nation pre-emptively that it deemed

to be a threat to its own national security and interests. A few months later, the administration formalized the speech in a document entitled *The National Security Strategy of the United States of America* (White House, 2002).

The document represents a set of foreign policy guidelines outlining a new phase in US foreign policy that would henceforth place a greater emphasis on military pre-emption, military superiority, unilateral action, and a commitment to “extending democracy, liberty, and security to all regions” (White House, 2002). It heralds a marked departure from the policies of deterrence and containment that has generally characterized American foreign policy since the Cold War. The document, also referred to as the “Bush doctrine,” served as the policy framework for the US invasion of Iraq in 2003.

The strategy outlined in the document is couched in forceful language and demonstrates a resolute determination to counter the enemies of the USA and its allies with a heavy hand. It says, “given the goals of rogue states and terrorists, the US can no longer solely rely on a reactive posture as we have in the past ... we cannot let our enemies strike first. As a matter of common sense and self-defense, America will act against such emerging threats before they are fully formed” (White House, 2002: 14).

The document asserts that the world changed drastically on September 11, 2001 and that thereafter the USA was confronted with new challenges: “The proliferation of weapons of mass destruction and terrorist networks, armed with the agendas of fanatics and ... new threats are so novel and so dangerous that we should not hesitate to act alone, if necessary, to exercise our right of self-defense by acting pre-emptively” (White House, 2002: 6). The administration’s aggression against Iraq and its determination to use the doctrine of pre-emptive strike against its potential enemies has come to generate an intense international debate. This foreign policy initiative of President Bush has become controversial as it marks the beginning of a new phase of American hegemony-seeking in world affairs.

However, before analyzing the validity of the US action against Iraq, it is worth mentioning that pre-emptive strikes are not new to international politics. Various nations resorted to this strategy during the 19th and 20th centuries. Under US President Madison, for instance, a pre-emptive strike was employed during the 1812 war in Spanish Florida. This was shortly followed by the Monroe Doctrine that aimed at pre-empting renewed European military intervention in the entire western hemisphere under the notion that it was the destiny of the USA to expand westward. In 1898, the United States launched a pre-emptive attack on a Spanish fleet in the Philippines during the Spanish–American War (Sagan, 1989).

During the Cold War, this strategy was again utilized by the USA, which engineered the covert (for example, Guatemala and Iran) and overt (for example, Grenada) overthrow of regimes it believed were facilitating the spread of Soviet power and influence in the region. US intervention in Vietnam was justified as a means of preventing other Asian countries from falling to communism. It was again seen in action during the 1962 Cuban missile crisis. President Kennedy warned at the time that “we no longer live in a world where only the actual firing of weapons represents a sufficient challenge to a nation’s security to constitute maximum peril” (Purdum, 2002).

In 1967, Israel launched a pre-emptive attack on Egypt and other Arab states claiming its attack was defensive in nature and necessary to forestall an Arab invasion. Both the UN Security Council and the General Assembly rejected

proposals to condemn Israel for its actions. However, when in June 1981, Israel pre-emptively attacked Iraq citing a national security risk from Iraq's nuclear program, its action was vehemently condemned by the Security Council as being against the UN Charter and the norms of international conduct (UN Security Council, 1981).

The Soviet Union's aerial strike on Finland on June 25, 1941, in response to Germany's attack on Russia on June 22, 1941 (Operation Barbarossa) and leading to the Great Patriotic War, was also seen as a pre-emptive attack (Wieczynski and Fox, 1996: 344–6). Among recent wars, the war in Kosovo has been described as an example of pre-emptive strike by British Prime Minister Tony Blair in his first description of his Doctrine of International Community (Blair, 1999).

In 1986, the USA attacked Libya after Libyan agents blew up a Berlin discotheque killing one American soldier. Similarly, the USA launched pre-emptive attacks with cruise missiles against Sudan in August 1998 in retaliation for the terrorist attacks on US embassies in Kenya and Tanzania (McLaughlin, 1998). However, in none of these instances did the USA claim pre-emptive strikes as a matter of right under international or customary law. The USA again invoked the right of self-defense when it attacked Afghanistan in the aftermath of the terrorist attacks in 2001 (Martyn, 2002a: 12).

But what is new in this doctrine is that it reserves the right to initiate military action against another state in the absence of an imminent threat. The national security document legitimizes the notion of a first-strike option, elevating it to the status of a core security doctrine. It declares the transcendent right of the USA to engage preventively in war. Disregarding norms of international behavior, the Bush strategy asserts, "the United States should be exempt from the rules we expect other nations to obey" (Congressional Research Service, 2002: 1). It was under this doctrine that the Bush presidency sought to justify the invasion and occupation of Iraq, primarily building its arguments on grounds that the Iraqi regime possessed weapons of mass destruction (WMD) which could possibly be used against the USA and its allies or, given Iraq's previous use of chemical weapons, could be passed on to terrorists, including al-Qaeda. However, the attack has given rise to questions about its legitimacy under international law and has sparked off a series of controversies within the USA about the constitutional and ethical issues involved in implementing the Bush doctrine. This doctrine marks a significant shift from the principles of international engagement that until then had dominated Cold War strategic thought.

Pre-emptive Strike and the UN Charter

Pre-emptive strikes by individual nations or groups of nations without the authorization of the Security Council are prohibited by the United Nations. In its preamble, the UN Charter states that the UN was established "to save succeeding generations from the scourge of war," and its substantive provisions obligate its members to "settle their international disputes by peaceful means" (Article 2[3]) and to "refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any State, or in any manner inconsistent with the purposes of the United Nations" (Article 2[4]). In place of the traditional right of states to use force against another member, the charter creates a system of collective security in which the Security Council is

authorized to “determine the existence of any threat to the peace, breach of the peace, or act of aggression” and to “decide what measures shall be taken ... to maintain international peace and security” (Article 39). Although the UN Charter seeks to deny the use of force by states against their adversaries, it does recognize the right of nations to use force for the purpose of self-defense (Article 51).

But this right to self-defense comes into play only when an armed attack has already occurred and the Security Council has not been able to take the necessary measures to thwart the attack. Thus, Article 51 precludes the pre-emptive use of force by individual states or groupings of states and reserves such use of force exclusively to the Security Council. Measures in self-defense, in this context, are legitimate only after an armed attack has already occurred (ICJ, 1986).

The exact scope of the right to self-defense, however, has been the subject of controversy and ongoing debate. Some argue that Article 51 should not be construed so narrowly, because to do so has the unintended consequence of protecting an aggressor’s right to strike first (see Sir Humphrey Waldock cited in Roberts, 1999: 483, 513). To avoid this result, some assert that Article 51 recognizes and preserves the “inherent right of individual or collective self-defense” as developed in customary international law. The reference to that right not being impaired “if an armed attack occurs against a Member of the United Nations,” it is said, merely emphasizes one important situation in which that right may be exercised, but does not exclude or exhaust other possibilities (Simma, 1994: 51).

Advocates of this view additionally contend that the literal construction of Article 51 simply ignores the reality that the Cold War and other political considerations have often paralyzed the Security Council. In practice, they point out, states have continued to use force pre-emptively and the international community has continued to evaluate the legitimacy of those uses under Article 51 by the traditional constraints of necessity and proportionality (Simma, 1994: 677).

But the principal controversy that arose during the Iraq war was whether the phrase “if an armed attack occurs” rules out self-defense before an attack occurs. In other words, does international law allow anticipatory or pre-emptive self-defense? The US position on this issue was set out in September 2002 by President Bush in *The National Security Strategy*, wherein he said:

For centuries, international law recognized that nations need not suffer an attack before they can lawfully take action to defend themselves against forces that present an imminent danger of attack. Legal scholars and international jurists often conditioned the legitimacy of pre-emption on the existence of an imminent threat – most often a visible mobilization of armies, navies, and air forces preparing to attack. (White House, 2002: 15)

This position was further elaborated in an address by Condoleezza Rice, President Bush’s national security adviser:

Extremists who seem to view suicide as a sacrament are unlikely to ever be deterred. And new technology requires new thinking about when a threat actually becomes “imminent.” So as a matter of common sense, the United States must be prepared to take action, when necessary, before threats have fully materialized. (Rice, 2002)

Members of the Bush administration argued that while a literal reading of Article 51 of the UN Charter suggests that self-defense is only lawful after an attack occurs, this would be absurd if it means that a state must let itself be harmed, perhaps fatally, before it can respond with force. In *Nicaragua v. United States* (ICJ, 1986), the International Court of Justice (ICJ) did not dismiss out of hand the possibility of some limited form of anticipatory self-defense – it merely stated it “expresses no view on ... the lawfulness of a response to the imminent threat of an armed attack” as the issue was not raised in this instance (ICJ, 1986: 102–3). But the fact that the USA and its coalition did not approach the ICJ for its advisory opinion on the legality of its strike was in itself an admission that its aggression against Iraq was not legal and that international law would not have authorized such military intervention if it had gone to the world court. After the USA’s experience before the ICJ in the Nicaragua case, it was highly unlikely that it would have submitted such a matter to the world court.

Notwithstanding the Bush administration’s arguments, the international community has yet to recognize any general acceptance of a pre-emptive self-defense doctrine within the UN beyond possibly “interceptive” self-defense, that is, an action of sufficient magnitude that clearly has a hostile intent can be defended against before the aggressor’s forces actually execute the attack (Dinstein, 2001: 172–3). Still, some question whether there can be any situations falling short of interceptive self-defense that would permit a legally valid exercise of self-defense under Article 51. In response, it is pointed out that there have been very few cases in which a state has sought to justify legally the use of force on grounds of pre-emptive self-defense. Probably the most striking case of this kind was the 1981 Israeli air strike on the Osirak nuclear reactor in Iraq, which was subsequently denounced by the Security Council (UN Security Council, 1981).

Scholars have argued that the phrase “armed attack” must be construed in a broad sense so as to allow some anticipatory response (Bothe, 2003: 230). Although the actual occurrence of an armed attack is required to launch a counterattack in self-defense, a pre-emptive strike can be made depending on the gravity of the threat from the other side. Jennings and Watts (1992: 41–2), distinguished scholars of international law, explain the point as follows:

while anticipatory action in self-defense is normally unlawful, it is not necessarily unlawful in all circumstances, the matter depending on the facts of the situation including in particular the seriousness of the threat and the degree to which pre-emptive action is really necessary and is the only way of avoiding that serious threat; the requirements of necessity and proportionality are probably even more pressing in relation to anticipatory self-defense than they are in other circumstances.

In support of this view, they reiterate the formula first laid down in the Caroline case:

The use of armed force and the violation of another state’s territory, can be justified as self-defense under international law where: (a) an armed attack is launched, or is immediately threatened, against a state’s territory or forces (and probably its nationals) (b) there is an urgent necessity for defensive action against that attack (c) there is no practicable alternative to action in self-defense, and in particular another state or other authority which has the

legal powers to stop or prevent the infringement does not, or cannot, use them to that effect (d) the action taken by way of self-defense is limited to what is necessary to stop or prevent the infringement, i.e. to the needs of defense. (Jennings and Watts, 1992: 42)

Thus, before a pre-emptive strike is launched, there is a self-imposed obligation on a state to ensure that all other means, including diplomatic efforts, have been exhausted and that there are no alternatives available. Only under compelling circumstances, such as when a terrorist organization or a rogue nation posing a serious threat to international peace and security refuses to give up its mass destructive weapons, would the UN Security Council be compelled to authorize the use of force, as it did in Yugoslavia, Somalia, Haiti, Bosnia, and Sierra Leone during the past two decades (Gray, 2002).

But the issue of exhausting all possible options is also debatable since if the UN Security Council refuses to sanction the use of force, it is presumably because it does not agree with an assessment of the threat or the method of dealing with it, or both. In such circumstances, it would be hard to classify military action as an urgent necessity under the Caroline formula. However, if a resolution on the use of force is supported by a majority of the 15-member Security Council and only defeated on the veto of a permanent member, a strong case of urgent necessity may be made, depending on the circumstances (Martyn, 2002b: 14).

In the context of the above arguments, and taking into account the clear language of Article 51 and the Caroline case, the American attack on Iraq in 2003 appeared to be in violation of the right to self-defense. Since there was no proof that an attack by Iraq on the USA was imminent, an attack in self-defense amounted to usurpation of the Security Council's role. Although the USA accused the Security Council of failing to act against Iraq, it failed to show how Iraq constituted an immediate threat to the security of the United States.

Pre-emptive Strike and Customary Law

In addition to justifying its unilateral use of force against Iraq under Article 51 of the UN Charter, the USA also justified its actions under customary international law. Some scholars have long upheld the legitimacy of a state's right to use force against an adversary state in self-defense even before the actual occurrence of attack from the opposite party. Until recent decades, they argue, customary international law deemed the use of pre-emptive force to be a legitimate action. As Hyde (1945: 237) observed:

An act of self-defense is that form of self-protection which is directed against an aggressor or contemplated aggressor. No act can be so described which is not occasioned by attack or fear of attack. When acts of self-preservation on the part of a State are strictly acts of self-defense, they are permitted by the law of nations, and are justified on principle, even though they may conflict with the ... rights of other states.

Hugo Grotius, the noted 17th-century scholar of international law, also justified the use of force in anticipation of an attack in self-defense. He proclaimed, "it be lawful to kill him who is preparing to kill" (Grotius, 1853). Another leading authority, Emmerich de Vattel, asserted a century later:

The safest plan is to prevent evil, where that is possible. A nation has the right to resist the injury another seeks to inflict upon it, and to use force ... against the aggressor. It may even anticipate the other's design, being careful, however, not to act upon vague and doubtful suspicions, lest it should run the risk of becoming itself the aggressor. (De Vattel, 1995)

The right of pre-emptive attack was elaborated in the 1837 Caroline case in which US Secretary of State Daniel Webster articulated two conditions essential to the legitimacy of the pre-emptive use of force under customary international law in two different notes. Regarding the first, he stated that an intrusion into the territory of another state can be justified as an act of self-defense only in those "cases in which the necessity of that self-defense is instant, overwhelming, and leaving no choice of means and no moment for deliberation" (Webster, 1906: 412). In a second note, he asserted that the force used in such circumstances had to be proportional to the threat (Webster, 2001: 923). Thus, to legitimize the pre-emptive use of force in customary international law, both elements (necessity and proportionality) were deemed by Webster to be essential.

However, other scholars do not fully accept the argument that customary law provides binding status for a pre-emptive strike. The international community has yet to recognize the existence of a customary norm warranting such military intervention. In the Nicaragua case (ICJ, 1986), the International Court of Justice reiterated the prohibition on military intervention by states to overthrow foreign regimes. In that instance, the ICJ ruled that the USA had violated international law by intervening militarily in Nicaragua without UN approval. Nonetheless, the USA, it appears, is more concerned with developing those aspects of customary law that serve its immediate interests than with compliance with international rules of behavior. In this context, and using customary law as a rationale, the USA could seek to initiate regime change in other countries, including Libya, Syria, Iran, and Pakistan.

Pre-emptive Strike and Security Council Resolutions

The USA also tried to justify its actions against Iraq under Security Council resolutions. The USA, along with the UK and Australia, quoted Resolution 1441 and its predecessor resolutions 678 and 687 as providing authorization for the use of force against Iraq. However, their assertion was misplaced, as although Resolution 1441 did affirm that Iraq remained in material breach of Resolution 687, it did not authorize the use of force against Iraq. The resolution made it clear that there was no automatic trigger for pre-emptive action. However, the USA asserted that even in the absence of such an authorization, it would consider the option of unilateral military action against Iraq. This is clear from the declaration of US Ambassador to the UN John Negroponte to the UN Security Council after the vote:

if the Security Council fails to act decisively in the event of further Iraqi violations, this resolution does not constrain any member state from acting to defend itself against the threat posed by Iraq or to enforce relevant United Nations resolutions and protect world peace and security. (Negroponte, 2002)

Ambassador Negroponte thus gave an indication that the USA intended to deploy military force either in self-defense or to enforce UN Security Council resolutions, including 1441, in the absence of UN authorization. The issue of

unilateral implementation of UN resolutions, as advocated by the USA, in the event of the Security Council failing to act was debated at a further Security Council meeting, leading to the adoption of Resolution 1154 denying any such right to the USA (Blokker, 2000). Various international law experts concurred with this view (Chesterman, 2001: 201–3).

The US attempts to justify its actions under Resolutions 678 and 687 are also difficult to sustain because both resolutions were aimed at evicting Iraq from Kuwait and imposing sanctions on Iraq. In addition, in trying to obtain a new resolution that explicitly authorized the use of force, the USA implicitly acknowledged its lack of legal authority under Resolution 1441. Furthermore, when the Security Council adopted Resolution 1441, France, Russia, and China issued a declaration indicating that the resolution excluded the authorization of military force. Resolution 1441 authorized the Security Council to determine the future course of action against Iraq in case of its noncompliance with this resolution. It did not empower any country or group of countries to take unilateral action against Iraq in the event of the latter's violation of the resolution. The unilateral action initiated by the USA was thus clearly in absolute violation of Resolution 1441.

Implications of the Bush Doctrine

The Bush doctrine entails serious consequences for international peace and security. In the first instance, it is unconcerned with the fundamentals of international relations, the legitimacy of US actions, and the benefits of formal multilateralism (Vaisse, 2006). This is because the doctrine makes no distinction between justifiable pre-emption and unlawful aggression, thus giving leverage to any country to take action against an enemy state (Daalder et al., 2002: 8).

The doctrine does not clarify the response to potential or actual issues, such as the acquisition of WMD, or the purpose and timing of a pre-emptive strike. Sidetracking these and other important issues, the only yardstick the Bush administration has adopted is the self-assessment of perceived threats. If the stockpiling of nuclear and biological weapons by its enemies is the primary measurement of perceived threat by the USA, then the bigger threat to the USA is North Korea. This country's leadership has already confirmed that it has an active nuclear weapons program, has refused to open its nuclear program to international inspection and verification, has violated all its previous international commitments, and can mobilize an effective military force against South Korea's capital, Seoul, where the USA has substantial investments. Notwithstanding this real threat, the administration has consciously avoided military confrontation with North Korea, instead employing diplomacy as a disarmament strategy.

Western scholars have already apprehended the dangers arising out of the Bush doctrine, as more powerful nations may use it as a rationale to settle scores against weaker states that are deemed to pose a threat to the stronger nation's security. Indeed, Henry Kissinger warned of the potentially negative effect on the geopolitical order of the Bush doctrine when he pointed out that "It cannot be in either the American national interest or the world's interest to develop principles that grant every nation an unfettered right of pre-emption against its own definition of threats to its security" (Daalder et al., 2002: 8). The Bush administration recognizes this problem, and has warned other countries, including

India, not to use pre-emption as a pretext for aggression. However, observers have criticized the US logic, arguing that the USA grants to itself the right to use force whenever and wherever it believes the pre-emption of potential future threats warrants it while denying the same to others (Ray, 2004).

The administration's belief that it could stem the rising tide of Islamic fundamentalism and promote democracy by effecting regime change in Iraq has been falsified. As Caraley (2004: 7) observes:

US military interventions against rogue states and tyrannies will not necessarily result in the rise of democracies. There is as yet no evidence that even if a new democratic Iraq can be established, it will serve as a "beacon" of democracy and freedom in the Middle East, resulting in the people of other non-democracies in the region demanding democracies of their own.

Some three months before the strike on Iraq, the administration's own National Intelligence Council warned that an attack of this kind could increase support for terrorists in the Islamic world (Jehl and Sanger, 2004). Indeed, far from being conducive to the spread of democracy, the Bush doctrine seems to invite perpetual enmity toward the USA. As Ikenberry (2002: 45) notes, it is a strategy "fraught with peril and likely to fail. It is not only politically unsustainable but diplomatically harmful. And if history is any guide, it will trigger antagonism and resistance that will leave America in a more hostile and divided world." Ultimately, the Bush doctrine is seen by some as an attempt to promote the spread of American political and economic interests by its aggressive willingness to use force in a pre-emptive fashion to dispatch inconvenient regimes (Lieven, 2002).

In an interview, Francis Fukuyama (2006) observed that the Bush administration failed to anticipate the strong global resentment against its use of "benevolent hegemony" in the Iraq war. The government started with a pronounced negative bias against the United Nations and other international organizations such as the International Criminal Court. Officials failed to recognize that they were working against a strong wave of anti-Americanism ushered in as a result of the USA sidestepping international institutions and bypassing international cooperation for its own national interests.

It has been argued that the increasing neo-conservative influence on the Bush administration, of which this doctrine is a product, does not augur well for the UN. This neo-conservative touch has given a feeling of confidence in the self-evident virtue of the USA and its political and economic values as agents of global transformation (Record, 2003: 4–21). Even before the Bush presidency, neo-conservative figures within the administration were committed to a foreign policy based on large increases in defense spending and a commitment "to challenge regimes hostile to our interests and values" and "to accept responsibility for America's unique role in preserving and extending an international order friendly to our security, our prosperity, and our principles" (Project for the New American Century, 1997: 3).

The Influence of the Bush Doctrine on Indian Foreign Policy

India adopted an ambivalent approach to the US action against Iraq, given the country's national, regional, and geopolitical interests. However, India claimed

a right to launch pre-emptive strikes against Pakistan in the aftermath of a terrorist attack in Kashmir in March 2003 that left 24 people dead. India's Minister for External Affairs, Jaswant Singh, reacted to this atrocity by declaring:

India has a much better case to go in for pre-emptive action [against Pakistan] than the US had over Iraq ... If lack of democracy, possession of weapons of mass destruction and export of terrorism were reasons for a country to make a pre-emptive strike in another country, then Pakistan deserved to be tackled more than any other country. (Singh, 2003)

Later, George Fernandes (2003), the Indian Defense Minister, publicly endorsed this view.

But the Indian government's claim was promptly dismissed by the USA, citing Iraq as an exceptional case and warning India not to follow the US precedent in its dealings with Pakistan. Undeterred by US admonitions, influential voices in Indian politics have advocated looking beyond the UN to an international order without a restraining UN presence. They advocate Perle's thesis that a world without the UN would suit Indian interests as "the demise of the UN would make the Kashmir resolutions of 1948–49 defunct" (Perle and Frum, 2004: 33). Key foreign policy players in the previous government in New Delhi have tried to give Indian foreign policy a more pragmatic and a very different intellectual shape, thereby significantly moving beyond Nehru-influenced foreign policy paradigms. For instance, they have consistently emphasized the need to change with the times, have explicitly recognized the significance of military and economic strength as elements of national power, are far less inhibited about the use of force, and are not much obsessed with upholding multilateral norms where India's perceived vital interests are concerned (Singh, 1999).

The idea of India abandoning the UN in favor of the US-led coalition of the willing has been supported even by a section of the media, particularly the *Indian Express*, the second largest chain of newspapers in the country. At a conference its editor, Shekhar Gupta, criticized Prime Minister Atal Bihari Vajpayee for having expressed India's commitment to the UN. He contended that:

while "we are one with whatever the UN decides" may be a useful line for many Europeans and others loathe to oppose Bush or to side with him prematurely, it is the one thing we should have avoided. We can choose so many other formulations: That Iraq has to come clean; that the US cannot decide unilaterally and so on. But can't we, please, and in our own supreme interest, go a bit easy in asserting such commitment to the UN? (Gupta, 2003)

Revealing the fears of several officials and lawmakers expressed in private conversation with the media, Gupta (2003) asserted, "The danger in this lies not simply in the fact that at some stage the Pakistanis could remind us that since we had such faith in the UN, why don't we also express it by implementing the 1947–48 plebiscite resolution on Kashmir."

Demonstrating resentment against the policies of the UN concerning India, a member of parliament from the State of Jammu and Kashmir, asked:

In any case, what has the UN done for India? A country of a billion people is not even a permanent member of the Security Council. How can we forget that throughout the Cold War it was the Soviet veto alone that saved us on numerous occasions? (Shahin, 2003)

The dominant view in India, however, is that the unilateral US invasion of Iraq has made the UN more, not less, relevant. Advocates of this position argue that the UN would have become irrelevant if it had succumbed to US efforts to legitimize its invasion. By standing up to the world's only superpower, the UN has acquired a new relevance and has emerged as a new beacon of hope for smaller countries. The debate continues about the Bush doctrine's implications for India, with scholars deriving different meanings from it. With the new government in place in New Delhi, the discussion for the moment has taken a back seat as diplomacy is given a fresh chance to resolve complex issues with Pakistan peacefully.

Refuting Critics of the Bush Doctrine

Exponents of the Bush doctrine have dismissed all criticisms of their position. They have lauded Bush for taking this initiative in no uncertain terms, describing him as "the right man for this war; the right president at this juncture in history" (Podhoretz, 2002: 45). Podhoretz holds that prior to Bush, US presidents were "paper tigers" ineffective in responding to terrorist attacks overseas or at home. This collective failure, he argues, emboldened Osama bin Laden and set the stage for 9/11. Commenting on the impact of President G.W. Bush's doctrine, he points out:

Iraq has been liberated from one of the worst tyrants in the Middle-East; three elections have been held; a decent constitution has been written; a government is in place; and previously unimaginable liberties are being enjoyed. By what bizarre calculus does all this add up to failure? And by what even stranger logic is failure to be read into the fact that forces opposed to democratization are fighting back with all their might? (Podhoretz, 2002: 46)

Scholars see a logic in the adoption of the Bush doctrine. The disintegration of the Soviet Union and the end of the Cold War brought new challenges for the USA. They foresaw, with these changes in the international world order, that new anti-western "movements of rage" with new ideologies, leaders, and strategies would appear, and that consequently the USA would need a new conceptual map and operational strategy to deal with the world's new political and ideological geography (Gordon, 2006: 79). As such, a radical revision of American foreign policy and consequently a radical revision of the USA's global role in the post-Cold War period was required and was supplied by the Bush doctrine. These analysts argue that the identification of possible hostile targets and a pre-emptive-strike doctrine amount to an operational strategy designed to map and respond militarily to the very different types of violent threat emerging in the aftermath of the Cold War (Jowitt, 2003: 3). Others have hailed the Bush doctrine for its initiative in democratizing "once totalitarian, quondam authoritarian, and persistently tribal societies" and also for "not only dismantling the menace of terrorism and rogue states but also ensuring that they never return by reconstructing their societies along democratic lines" (Kesler, 2004: 227).

Consequences of the Bush Doctrine

Notwithstanding the doctrine attracting support and criticism in equal measure, it appears that it has endured rough weather ever since it was introduced in 2002. Although under its aegis the USA won the war against Iraq, that was of little credit as Iraq was too weak a nation to stand up to the US aggression (Caraley, 2004).

The doctrine's tough words and resolute American determination to thwart the development of weapons of mass destruction by its enemies has failed to deter Iran and North Korea from continuing to develop their nuclear weapons. It appears that in having taken the Iraq initiative, the USA has overstretched its military and economic capacities (White, 2003). The quantum of human lives lost, including those of American troops, and the extent of property and civilization destroyed in the Iraq war, followed by a virtual civil war and the inability of a weak government to rule, is a telling story of the consequences of the doctrine.

Even before the war had begun, observers had warned that war in Iraq would not stop the spread of religious fundamentalism, but would, in fact, perpetuate it (Schaff, 2003). These concerns have come true as the war has led to an unprecedented rise in Islamic fundamentalism, sectarian violence, and jihadi attacks in and outside Iraq. Bergen and Cruickshank (2007) show that the Iraq war has generated a sevenfold increase in the yearly rate of fatal jihadist attacks globally. Before the war began, the Bush administration had claimed that it would rid Iraq of terrorists. Later, President Bush claimed that if the USA had not undertaken the Iraqi venture, there would have been more terrorists "plotting and killing Americans across the world and within our own borders" (Bush, 2005). But three years on, the administration's National Intelligence Agency (2006) has conceded that "the Iraq War has become the cause celebre for jihadists ... and is shaping a new generation of terrorist leaders and operatives." However, unmoved by these reports, key administration officials have refrained from accepting this reality.

The US aggression in Iraq has grave implications for American security in the future. The growing hatred toward the USA in Muslim countries has created thousands of Muslims ready for jihadist terrorism and this has increased the possibility of attacks on the USA in the future. There are apprehensions that terrorist groups in Iraq, which have raised several millions of dollars through kidnapping and oil theft, may now be in a position to help fund their jihadist brethren operating outside of Iraq. The war has led to a fall in US support in many of its ally Muslim countries such as Jordan, Lebanon, Indonesia, Pakistan, and Egypt.

In view of the war's devastating impact on Iraq and the Middle East region, critics have observed that instead of strengthening the USA, the continued use of the doctrine has weakened it, limited its options vis-à-vis problematic states, and has reignited hot spots of unrest around the world. While the Bush administration has been singly involved with its Iraq policies, the administration has been less responsive to other geopolitical challenges, such as the Israeli-Palestinian conflict and the re-emergence of the Taliban in Afghanistan and Pakistan.

Conclusion

Given the rising threat to the western world from Islamic fundamentalism, it is not likely that the current or a future US administration will discard the Bush interpretation of the doctrine of pre-emptive strike. However, before arriving at a final assessment, it is important to remember that the Bush doctrine is a product of the post-Cold War era during which global politics has changed in two basic ways: the emergence of the USA as the sole superpower and the growing availability of sophisticated weapons of destruction to rogue states and terrorist

organizations. Given these developments and given the perceived inability of the UN to deal with new forms of threats, many nations are no longer willing to wait until a catastrophe strikes before defending themselves. The Bush doctrine of pre-emption, then, is gradually finding support.

Furthermore, the USA is equally aware of the fact that in the post-Cold War era, the Cold War security doctrines of deterrence and containment are devoid of meaning. New forms of terrorism have arisen. Nations today are much more vulnerable to unpredictable threats coming from terrorists. Containment is an irrelevant strategy when dealing with dictators who obtain weapons of mass destruction and who are ever ready to share them with terrorist groups. Under these circumstances, it is not surprising that nations such as the USA and India have clamored for the right to pre-emption to counter effectively the rising menace of terrorism and prevent it before it materializes.

Though the current global scenario is worrying, and US apprehensions bear an element of truth, the remedy of unilateral pre-emptive attack holds grave consequences for international peace and security. The UN Charter affords nations opportunities to defend themselves and to take unilateral action in self-defense under Article 51, but the Bush doctrine seeks to bypass this provision and respond to geopolitical threats from outside of the UN framework. In this, the doctrine raises US exceptionalism and unilateralism to unprecedented heights and in the process reinforces the interventionist, hegemonistic, and imperialistic tendencies of US power. In having attacked Iraq unilaterally, the USA has opened afresh the doors for future wars. Under the doctrine, if the USA has its way with other states it has identified as threats, it is bound to plunge various regions of the world further into anarchy. Any radical deviation from internationally laid down principles would invite unbound troubles that would prove difficult to control, even for the USA.

Following in the footsteps of the USA, India considered a pre-emptive strike against Pakistan during the 2001 Kargil war. Perhaps, more than the USA, India's desire for such a strike appeared to be compelling since the Pakistani intrusion into Indian territory was so deep that a delay in the Indian response would have led to the permanent occupation of Indian territory by Pakistan. The pre-emptive attack option was impractical, however, since Pakistan too was a nuclear state and any such strike against Pakistan would have escalated the conflict between the two countries into an all-out nuclear war (Chandran, 2003; Raghavan, 2002).

The solution, then, to global problems of modern terrorism has to be found within the UN, the agency charged with preserving international stability and the security of nations. Though it is widely felt that the UN has generally failed in resolving many violent conflicts in recent decades, there is a need to effect systemic changes in the world body to restore the confidence of the world community. In particular, the Security Council needs to be strengthened to respond to contemporary terrorists' challenges. In the final analysis, the Bush doctrine needs to be robustly challenged from within the UN, and a strong alternative to unilateral pre-emption developed. Otherwise, the Bush doctrine will provide an attractive alternative strategy to states for combating the threat of terrorism. The consequence of this would be to give pre-eminence to military power rather than to diplomacy in international relations.

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