

Analyzing America's National Security Strategy

Written by Fehzan Rehman

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FEHZAN REHMAN, SEP 13 2012

The 11th September 2001 attacks on America catalysed the foreign policy objectives and decisions made by President George W. Bush, known as the Bush Doctrine. Some aspects of the Bush Doctrine were codified, particularly with a document called The National Security Strategy (NSS). This essay questions the implications the NSS has had on sovereignty and international law. Are we coming to a new age of collective security, where American exceptionalism sets the standards for interventions, and such institutions like the UN can be seen as a limit to a state's sovereignty? Are we seeing a trend set by America where institutions like the UN and its international power will dwindle and have a similar fate as its predecessor, the League of Nations?

Post 9/11, we have seen a change in American foreign policy, where "the Bush Doctrine proceeds from the premise that the threat posed from global terrorism is beyond traditional strategies of deterrence and containment" (Wheeler, 2003, p.186). It is seen that during the Cold War the best form of national security for America was a policy of deterrence and containment, as America was fighting a state; whereas, later, compared with the events of 9/11, the Bush administration believed that you can no longer use the policies of deterrence and containment when fighting a 'war on terror', as this global terrorism is not represented by just a state, like the Soviet Union, but it is an ideology. Hence, the Bush administration felt that in order to safe guard American national security interests, it would have to form its foreign policy as a pre-emptive one.

Indisputably, the key catalyst for the NSS was the attacks of 9/11. It was a major shock to the Western world, as a major terrorist attack on the hegemonic power of the world has not happened to this extent before. It was unquestionable that this act was considered as a weakness in American national security. Due to the fact that America felt unsecure in this new dawn of terrorism, though, is it right for America to adapt to pre-emptive strike and preventive war to deal with this threat? Furthermore, framing America's response to 9/11 under the NSS could be seen as an affirmation on its own sovereignty, but academics like Wheeler and Knight argue how the NSS can also be seen as a violation of the concept of sovereignty.

What is the difference between pre-emptive strike and preventive war, and why can preventive war be deemed to be illegal? Pre-emptive strike is "one where a state, or group of states, uses force in response to an imminent threat" (Wheeler, 2003, p.189). Walzer sets out the following criteria for distinguishing between justifiable pre-emption and unjustified aggression:

"a manifest intent to injure, a degree of active preparation that makes that intent a positive danger, and a general situation in which waiting, or doing anything other than fighting, greatly magnifies the risk" (Walzer, 1977, p.81).

Preventive war is "one that is fought with a view to warding off a potential danger before it materialises into a specific intention and preparations to attack" (Wheeler, 2003, p.191). Preventive war is not a new phenomenon, and it has been used throughout history. Walzer refers to the War of the Spanish Succession (Walzer, 1977, p78-80) to give an example of preventive war. The Spanish fought the French, owing to the belief of the Spanish that the balance of power may tip in favour of Louis XIV. "Here, war was justified by the fear that if Europe failed to act against France, it would eventually succumb to its hegemony" (Wheeler, 2003, p.191). Walzer disagrees with this way of thinking, due to the fact that "war is justified... by fear alone and not by anything other states actually do" (Walzer, 1977, p77).

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Similarly, the NSS reveals the problems in the contemporary status of sovereignty. This is because of the NSS's setting out to change the meaning of what the international accepts as pre-emption to prevention.

"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. We must adapt the concept of imminent threat to the capabilities and objectives of today's adversaries" (White House, 2002, p.19).

As Knight argues, you cannot make alteration to the concept of imminent threat, as it has a set definition and actual meaning (Knight, 2002, p.5).

Hendrickson stated that the NSS used the language of pre-emption to describe the NSS. He says: "Yet what was actually being unveiled stretched this concept well beyond its normal usage, leading to the charge that what was actually being declared was a policy of preventive war" (Hendrickson, 2002, p1-10). What Hendrickson stated above can be seen to be accurate. A good example of the NSS stretching the concept of pre-emptive strike was, before invading Iraq, when America stated that the regime of the Iraqi government was harbouring WMD. This was seen as an imminent threat to American and international security. Consequently, going to war with Iraq in 2003 was seen as a pre-emptive strike. However, after it became internationally renowned that the Iraqi government did not have any WMDs, the war in Iraq is now seen to be a preventive war. In terms of Walzer's theory, America was acting on a fear of Iraq having WMD's.

Another implication on sovereignty, due to the NSS, was, yet again, demonstrated by the killing of Osama Bin Laden in Pakistan. Some academics have argued that it impeded national sovereignty. Pakistan's foreign secretary Salman Bashir asserted that this "violation of sovereignty, and the modalities for combating terrorism, raises certain legal and moral issues which fall ... in the domain of the international community" (Bowcott, 2011). Others have claimed that America sees itself as above international law and feels that they are able to take actions for which a smaller sovereign state would have received major international repercussions. Many academics believe that what America is doing is setting a new precedent, as it "continues to confuse preemption with preventive war" (Korb & Wadhams, 2006, p.1). This could lead to the demise of the international laws and norms that prohibit the offensive attacks by one state against another for simply self-gain (Korb & Wadhams, 2006, p.2).

Other academics have accused the Bush Doctrine of "legitimizing a doctrine of anticipatory war" (Wheeler, 2003, p.199). Senator Edward M. Kennedy assured that the Bush Doctrine "would also send a signal to governments the world over that the rules of aggression have changed for them too, which could increase the risk of conflict between countries" (Kennedy, The Bush Doctrine of Pre-Emption). The criticism of the NSS's advancement of pre-emptive strike has been reverberated in foreign ministries across the world. Secretary General Kofi Annan, in his speech to the General Assembly in September 2003, articulated his deep restlessness with a policy that:

"represents a fundamental challenge to the principles on which, however imperfectly, world peace and stability have rested for the last fifty eight years... if it were to be adopted, it could set precedents that resulted in a proliferation of the unilateral and lawless use of force" (Annan, 2003).

"The Bush administration has stubbornly resisted these warnings about the dangers of the preemptive policy set out in the NSS" (Wheeler, 2003, p.199).

Kaufman agrees with the international stance that the NSS has set a dangerous precedent (Kaufman, 2007. P142). The NSS has devised other states, like India-Pakistan, Russia-Georgia, and China-Taiwan, legitimate rationales of unilateral military force for its own gains. This has already happen with the Russia-Georgia crisis of August 2008, where Russia used military intervention in South Ossetia against Georgia. Who is to say that India may use this precedent to use military force against Pakistan, asserting that it believes that Pakistan is a threat to India's national security? Similarly, China, as an emerging super power, may want to compete with or follow American democracy promotion through pre-emption and preventive wars against Taiwan for the promotion of its Chinese values.

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The international norms of outlawing international aggression against another state was effective in the 1990s, when Saddam's invasion of Kuwait in 1990 was regarded as illegal by international law due to "blatant aggression" (Korb & Wadhams, 2006, p.2). Even neighbouring Arab countries supported "US defensive efforts in support of Kuwaiti sovereignty in Operation Desert Storm" (Korb & Wadhams, 2006, p.2). However, the Bush administration has moved away from "a preference for inclusive multilateralism to exclusive multilateralism" (Knight, 2002, p1). As we can see, the Gulf War in 1990 was considered a matter of collective security and defence of a coalition of forces invading Iraq. Over a decade later, we can see that the Bush administration has changed its approach to a more exclusive multilateralism. Multilateralism in the international system involves:

"creating international bodies, agreements, and rules through negotiation on the part of the states that will be subject to the arrangements in question, who agree to be bound by the arrangements" (Dryzek, 2006, p.129). "The creation of formal rule-based institutions at an international level to foster a cooperative approach to international problems lies at the heart of the multilateral project. However, this does not necessarily mean that the institutions created by multilateralism will have a level of democracy in their process" (McGee, 2004, p.11).

The United Nations is seen to be at the forefront of multilateral institutions, where everything in the international stage is done through the UN. However, as we can see, this is a very idealistic approach, due to America's thirst for power and dominance in international affairs. As the founders of classical realism like E. H Carr and Hans Morgenthau have emphasized, "drive for power and the will to dominate [that are] held to be fundamental aspects of human nature" (Baylis, Smith & Ownes, 2008, p95). The NSS reflects a return to the notions of classical realism, in particular with the emphasis on the centrality of power politics (Knight, 2002, p6).

"It represents a move away from the more nuanced and complex structures of neorealism that have been influential in American international relations thought for the past thirty years or more. This may explain why so many leading neorealist have publicly stated that the administration's war on Iraq is not in the national interest" (Knight, 2002, p6).

Henry Kissinger reported that it was "not in the American national interests to establish preemption as a universal principle available to every nation" (Kissinger, 2002).

To conclude, when states ratify international treaties (statute) and institutions, then a state has signed away some of its sovereignty. For example, America, Israel, and Sudan have unsigned the Rome Statute of the International Criminal Court, with the reason being that they do not want to have any legal obligations towards the statute and for what it stands. Certain academics hold the belief that what the NSS is doing is just acting as an affirmation of America's sovereignty. America has a sovereign right to protect its national interest, and the 9/11 attacks that brought about the NSS has threatened the national security interest of the American people. On the other hand, it does not give America a right to marginalize and impeded other states' sovereignty in order to protect their own. So, where do we draw the line with the concept of state sovereignty? The anarchical international system does not help with people's contested concepts of sovereignty; however, it is important that certain elements of international law be revised in order to limit the clout of the super powers of this world who use unilateral (exclusive multilateralism) use of force for their own gain, as we have witnessed most recently in the actions of the United States.

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Written by: Fehzan Rehman
Written at: University of Westminster
Written for: Aiden Hehir
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