the bush administration, pre-emption, and the absence of consistency

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Introduction

In media commentary, the policy community, and even in the academic world, there has been a distinct lack of interest in getting to the definitional heart of the Bush administration’s use of the term ‘pre-emption’. Most observers have accepted at face value the administration’s sweeping pledge that it will ‘act pre-emptively’ if the US is confronted with an imminent threat. And many have accepted the increasingly conventional wisdom that the successful invasion of Iraq and the overthrow of its former Baath Party regime provides practical validation of the doctrinal precepts of pre-emption. Commentators on both the left and right of the political spectrum have claimed that the doctrine of pre-emption is now a reality and that we can expect further US military action along similar lines to that employed against Iraq as part of Washington’s ambitious implementation of this revolutionary new doctrine.

In this article my central aim is to challenge these views. There are too many questions that have so far been overlooked in the discussion on pre-emption: What, exactly, does ‘acting pre-emptively’ entail? Just how revolutionary is the doctrine of pre-emption? Can the American military actually implement the doctrine at an operational level? Is the doctrine sustainable in the longer term? In this paper, I will argue that America’s formal adoption of pre-emption is not nearly as ominous or as dangerous as the critics contend for the simple reason that the US has no intention of implementing this strategic doctrine consistently.

If we accept the definitional core of pre-emption outlined below, it is clear that the US has never acted pre-emptively to enforce its will internationally. Of course, past inaction is not necessarily a reliable guide to the future. But it does indicate an aversion to pre-emptive use of force in US strategic culture that has its roots in the popular outrage over the ‘sneak attack’ at Pearl Harbour in December 1941. This played a role in the Kennedy administration’s decision in 1962 not to strike Soviet missiles based in Cuba that were being prepared for use against the continental US (CONUS) at the height of East-West Cold War tensions. More recently, the Bush administration has refused to countenance pre-emptive strikes against North Korea’s nuclear and missile forces. This is despite the serious threat these forces pose to American strategic interests in North East Asia and despite North Korea’s public admission in 2003 that it has a nuclear weapons capability.

Paradoxically, the greatest threat posed by the doctrine of pre-emption is the potential effect it will have in weakening the credibility of America’s broader strategic doctrine globally. If the US is unwilling to implement such a crucial component of its formal doctrine consistently, how can countries like Australia be sure that Washington will live up to its alliance commitments? While this may be welcomed by those who oppose US hegemony, for those like myself who regard American strategic engagement in the Asia-Pacific as an important pre-requisite for regional stability, the dilution of US strategic credibility is an unwelcome prospect indeed.

Defining Pre-emption: A Framework for Analysis

In simple terms, pre-emption can be defined as the anticipatory use of force by one state against another from whom an attack is judged to be imminent. A key point to emphasise is that the doctrine of pre-emptive use of force is nothing new: it has a well-established lineage in international relations. During the Cold War, the concept permeated thinking about nuclear strategy and the pre-emptive use of nuclear force was contemplated by both superpowers on a number of occasions. With the end of the Cold War, the concept faded from the strategic lexicon. However, the Bush administration’s decision to embrace pre-emption formally as US doctrine in the aftermath of 9/11 has infused the term with new found currency in the policy world and among the academy’s strategic studies community.

By its very nature, the concept of pre-emption assumes that the benefits of resorting to military force to forestall an armed attack outweigh the costs of defending against an attack that is regarded as inevitable. In this sense, the pre-emptive use of force
enshrines the superiority of the offensive in international relations. It assumes explicitly that the momentum for victory in any armed conflict lies with the state that retains the initiative in conducting offensive operations on the battlefield.

The operative words contained in the definition of pre-emption—anticipatory and imminent—presuppose that the state doing the pre-empting possesses two distinct capabilities. First, that it can verify, through the use of timely and reliable early warning intelligence assets, that there is an attack pending on its territory and/or its national interests. And second, that the leadership of the state in question has both the military wherewithal and the political will to use force decisively to neutralise a threat before it is put into effect.

Given the acute tensions and prevalence of interstate conflicts during the Cold War, it is somewhat surprising that the concept of pre-emption was only ever invoked once as a policy instrument after 1945. On 5 June 1967 Israel launched a pre-emptive strike against a coalition of Arab countries (Egypt, Iraq, Jordan, and Syria) whose forces were massing on the Sinai peninsula in readiness for a land-based offensive into Israeli territory. Facing the imminent onslaught of numerically superior Arab armies united by the goal of Israel’s destruction, Israeli decision-makers determined that they had no alternative but to strike first or suffer a massive defeat. The result was that on the first day of the 1967 war, Israel coordinated a decisive series of air strikes that destroyed the vast bulk of the Arab air forces while the planes were still lined up in hangars and on tarmacs, thus ensuring Israeli air supremacy for the remainder of the conflict. This was critical in allowing Israel to achieve a significant military victory in a mere six days.⁴

The Rise of Pre-emption After 9/11
It is impossible to separate the rise of pre-emption in American strategic doctrine from the terrorist attacks of 11 September 2001. Put simply, 9/11 provided the Bush administration with both a pretext and a trigger for embracing a more assertive strategic doctrine. Without the former, it is highly unlikely that American policy makers would have adopted the latter.

As the first ever major assault on the CONUS, the 9/11 attacks have had a searing impact on the American strategic psyche. The human and financial cost, the audaciously asymmetric nature of the assault, the exposed vulnerability of the nation to mass casualty terrorism, and the pragmatic assessment by the Bush administration that the attacks provided an opportunity for a stronger projection of American global power coalesced to provoke a shift in US strategic doctrine. As we now know, rather than being cowed or intimidated by the attacks, the Bush administration’s initial response was measured, but forceful: the expulsion of an unsavoury Islamic theocracy in Afghanistan which had been providing a critical sanctuary for Al Qaeda. Since that time, the administration has invoked the ‘War on Terror’ on countless occasions to justify a range of, in some cases, unrelated policy goals.⁵ The term has essentially evolved into a catch-all phrase designed to provide moral ‘cover’ for the administration as it endeavours to reassert American global power after 9/11.

Early echoes of pre-emptive thinking were evident in some of Bush’s statements in the immediate aftermath of the 2001 attacks. But it was the President’s State of the Union address on 29 January 2002 that signalled the first discernible shift in US strategy away from deterrence towards pre-emption.⁶ Known as the ‘axis of evil’ speech, Bush’s remarks singled out Iraq, Iran, and North Korea as ‘undeterred rogue regimes’ which posed a threat to international order due to their possession of weapons of mass destruction (WMD) and the possibility that these states could pass on such weapons to terrorist organisations.⁷ Bush emphasised strongly that the US would act decisively ‘to ensure its security’ in the face of such threats.

Revisiting this theme in a speech to the West Point Military Academy on 1 June, Bush added an important layer to his axis of evil speech: the US would consider
itself justified in carrying out pre-emptive military action against those states 'engaged in terror and aggression'. The formal adoption of the concept in American strategic doctrine was outlined in *The National Security Strategy*, released publicly on 17 September 2002. Arguing that deterrence was an increasingly outmoded Cold War concept of limited utility in dealing with 'rogue states more willing to take risks', the document outlined the logic and doctrinal rationale for pre-emption:

The greater the threat, the greater is the risk of inaction - and the more compelling the case for taking anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States will, if necessary, act pre-emptively. In an age where the enemies of civilisation openly and actively seek the world's most destructive technologies, the United States cannot remain idle while dangers gather.

With an eye to the rapidly brewing controversy over military action against Iraq, the US underscored the point that it would act in such circumstances with or without the backing of the United Nations Security Council (UNSC). In a dramatic departure from its strong emphasis on coalition building that underpinned military operations initiated against Afghanistan in October 2001, Washington signalled that multilateral support would be welcome but by no means necessary for it to undertake pre-emptive action.

The Bush administration's decision to embrace pre-emption provoked immediate, and wide-ranging, reactions, both within the US and internationally. Some claimed that it represented a definitive break with the post-1945 doctrine of deterrence as the touchstone of American global strategy, while others went further and argued that the rise of pre-emption posed a major challenge to the status quo in international relations. As I argue below, both of these radical interpretations have proven to be off the mark.

**Pre-emption: The Case for and the Case Against**

Notwithstanding the best efforts of critics, there is a strong case to be made for the use of pre-emptive force in international relations. There are four major arguments in favour of pre-emption. The first is that pre-emption actually serves to reinforce deterrence rather than weaken or supplant it. Pre-emption puts other states on notice about America's resolve to
counter threats from WMD (either at the theatre or strategic level) and can in itself act to deter a state from acquiring WMD.11 The recent decision by Libya to disarm its rudimentary WMD capabilities has been cited by some as evidence that pre-emption can work as a tool of coercion.

Second, pre-emption makes eminent strategic sense. In terms of protecting population centres and critical infrastructure, it stands to reason that conducting military operations against imminent threats well removed from national territory is preferable to defending against them after they materialise. The importance of seizing and retaining the initiative in military operations is a vital ingredient of success that has been borne out historically. The third argument in favour of pre-emption is that it is ethically defensible: it accords with the *jus ad bellum* tenet of just war theory that encompasses just cause and right intention. Pre-emption can be justified ethically because inaction in the face of an imminent threat is unacceptable morally if the objective is to protect the lives and well being of the people within a state whose interests policy makers are tasked with defending.12 The fourth argument in favour of pre-emption is that the UNSC has failed to fulfil the global security responsibilities envisaged for it in the UN Charter. International law, particularly Article 51 of the UN Charter which prescribes anticipatory defence, is hopelessly outdated in a post-9/11 world.13

Opponents of pre-emption have criticised the doctrine from numerous angles, but three specific criticisms stand out. First, by bestowing on itself the right to act pre-emptively, but not granting it to others, the US has gone down the dangerous road of strategic unilateralism. This has served to alienate key (particularly European) allies who have responded by vigorously seeking to balance US hegemony with the rule of international law.14 Over the longer term, it also risks encouraging states to bandwagon against American global power.

The second criticism of pre-emption is that it will undermine multilateral non-proliferation efforts by encouraging adversaries of the US to bunker down with a WMD capability. This will, in turn, make these countries less likely to disavow such weapons by signing up to or maintaining their commitment to multilateral treaties and agreements. North Korea's withdrawal from the Nuclear Non-Proliferation Treaty (NPT) in April 2003 can be cited as a case in point. Third, the US adoption of pre-emption in its formal strategic doctrine will have the effect of encouraging countries to emulate America's lead. This may place Washington in the uncomfortable position of having to restrain allies such as India and Israel who have indicated already that they regard America's pre-emption doctrine as providing further justification for their own preemptive military options against regional adversaries.15

**Implementing the Doctrine Militarily: North Korea as the Test Case**

At the end of the day, strategic doctrine counts for little unless it can be implemented at the operational military level. Contrary to the views of neo-conservatives in Washington, and many of their supporters here in Australia, America's victory over Iraq did not validate the military feasibility of pre-emption. Two points should be made to support this assertion. First, like the first Gulf War, Gulf War II was a conventional Air/Land battle which pitted the world's strongest military power against a third world military with relatively poor training, sub-standard (in some cases obsolete) equipment, and vastly inferior C4ISR capabilities. In both wars there was never any doubt about which side would emerge victorious - the main question was how long the campaign would take and how many casualties US and allied forces would absorb in getting the job done.

Second, and more significantly, the decision to invade Iraq in 2003 was not a corollary of the doctrine of
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pre-emption. The fact that the US had adopted pre-emption formally coterminous with the build up of a massive invasion task force on and around the Arabian peninsula led many to conclude that military action against Iraq represented the first step in implementing the doctrine in practice. But even prior to the US-led invasion of Iraq, it was obvious that the state of Iraq's WMD inventory as portrayed by the US and its allies did not pose an imminent threat against the US or any of its allies. At best, American led action against Iraq was a preventive war because one of its central stated aims was to prevent a future capability from emerging, rather than destroying pre-emptively an existing capability poised for use. If the US had genuinely believed that Iraq's WMD was poised for use against US and/or friendly targets, it would not have bothered to attempt building support for military action within the UNSC in the latter stages of 2002. And it certainly would not have waited until March 2003 to give the green light for an invasion of Iraqi territory.

At first blush, the very notion that a military colossus like the US faces tangible obstacles in translating a strategic doctrine at the operational level of warfare seems far-fetched. The US spends more than virtually all the world's other major military powers combined. The American military dominates all four dimensions of warfare - maritime, land, aerospace, and space - and has no peer competitors to speak of. On any objective assessment, the US is unrivalled historically in its ability to project military power (both conventional and nuclear) on a truly global scale.

However, the military obstacles to implementing pre-emption are real. To appreciate these obstacles, we need look no further than the case of North Korea, a state that more than any other fits the criteria for pre-emption as laid down by the Bush administration. Pyongyang is known to have exported missile components to Pakistan and Iran in exchange for nuclear expertise and material and has remained an active player on the international nuclear black market. More significantly, in addition to its Taepodong ICBM program which some have identified as giving Pyongyang the potential to strike targets on the CONUS within the next five to ten years, North Korea has a proven operational capability to strike US naval, air, and marine corps bases in Japan (along with key Japanese population centers) with its Nodong missile forces that can be armed with either nuclear or chemical agents. And finally, North Korea has admitted publicly that it has a nuclear weapons capability. Even those who remain sceptical about the veracity of the frequently bloated rhetoric emanating from Pyongyang concede that North Korea is, at the very least, on or near the cusp of weaponising a nuclear capability.

The response of the Bush administration to North Korea's ejection of UN nuclear inspectors from its territory in late 2002 and its subsequent withdrawal from the NPT in April 2003 against the background of statements from Pyongyang that it was pursuing a nuclear weapons program was tepid, to say the least. Apparently preoccupied with winning the military conflict in Iraq, the US and allies such as Australia fell back on the feeble argument that if North Korea was to be deterred from acquiring nuclear weapons, the international community needed to be 'resolute' in enforcing compliance with its disarmament obligations: if Iraq was allowed to 'get away' with non-compliance, then North Korea would become 'emboldened' to continue its nuclear weapons program. This rather unconvincing argument masked deeper uncertainties within the US policy-making community about the feasibility of undertaking successful pre-emptive military action against North Korea. The idea that the US is not primed to fight a simultaneous war against Iraq and North Korea is simply not reflected in Pentagon operational planning, which envisages America being able to wage and win two major theatre wars simultaneously.

Rather, the apprehension in confronting North Korea militarily seems to have owed more to the realisation that pre-emptive action would be unlikely to achieve the intended result of nullifying the threat decisively.

By definition, for the strategic doctrine of pre-emption to succeed, the US would need to destroy or capture all the WMD capabilities of North Korea before Pyongyang had the opportunity to use them, against either US targets in South Korea or against Japan. Neutralising North Korea's capacity to deliver WMD would be a formidable task. According to US estimates, it has deployed somewhere near 12,000 artillery tubes and 2,500 multiple launch rocket systems (MLRS) trained on targets in the South which are capable of firing half a million rounds per hour in the first twenty-four hours of
any conflict. From Pyongyang's perspective, the sheer weight of its firepower may prove sufficient in delivering nuclear and/or chemical warheads against US forces in South Korea.

Moreover, the North Koreans are likely to have stored most of their fissile material processing sites in hardened and geographically dispersed underground locations in line with the traditionally covert pattern of their conventional force deployments. Key missile production, assembly, and storage facilities may similarly be buried deep beneath the earth's surface. Consequently, these high-value targets would remain for all intents and purposes impervious to US overhead reconnaissance and thus virtually impossible to locate with any degree of certainty. Even if one makes the heroic assumption that all of North Korea's underground facilities could be located with certainty, and notwithstanding the much-touted US drive towards acquiring low-yield 'mini-nukes' capable of destroying hard and deeply buried targets, the only earth-penetrating warhead in the current US arsenal is the B61-11 gravity bomb which possesses a very limited ground penetration capability. In short, US forces are simply not equipped with the requisite capability to destroy hardened underground targets. As such, the American military is in no position to guarantee with any certainty a successful pre-emptive strike mission against North Korea.

**Conclusion**

In this article I have argued that the US doctrine of pre-emption, while in many respects a laudable strategic goal, is hamstrung by political and operational military reality. Politically, the Bush administration is constrained by the fact that undertaking pre-emptive military action involves an acute degree of uncertainty: unless clear-cut achievement of aims is forthcoming fairly rapidly, administrations face the risk of incurring political damage. Due to the inherently decisive nature of the concept, pre-emptive military action must do the job the first time round. If all WMD capabilities are not destroyed or captured in the first phase strike, then pre-emption has failed. And if pre-emption fails, the US exposes itself further to attack from the very capability it has sought to negate. As the North Korean case demonstrates, the challenge of implementing the doctrine at the operational military level remains daunting, even for a country with America's unmatched intelligence and force strike capabilities.

Is the doctrine of pre-emption sustainable in the longer term? The Bush administration seems to think so and has determined to invoke it at every available opportunity during the president's re-election campaign this year. But the credibility of the doctrine has been weakened substantially by the US failure to act decisively against North Korea's WMD capability. Indeed, on closer inspection it is difficult to escape the conclusion that the formal embrace of pre-emption in September 2002 was merely political 'window dressing' designed to marshal public support for attacking Iraq. It is also uncertain whether the doctrine would survive a change of administration in the White House such is its close association (however mistaken) with the invasion and occupation of Iraq.

Unless a second Bush administration or a new Kerry administration intends to implement it consistently, the United States would be better served ditching altogether the concept of pre-emption as a strategic doctrine. All states must reserve the right to act pre-emptively against imminent threats. That makes eminent strategic sense in an anarchic international system and is justifiable morally and ethically. What doesn't make sense is for the world's sole superpower to rely on a doctrine without a matching intention to implement it consistently. In the medium and longer term, such a disjunction between rhetoric and performance can only have the effect of weakening American strategic credibility internationally and provoking serious questions about US global leadership.